

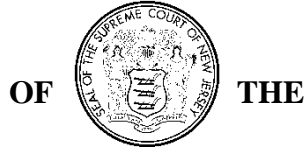
2014 STATE OF THE ATTORNEY DISCIPLINARY SYSTEM REPORT



Hon. Stuart Rabner
Chief Justice
Supreme Court of New Jersey

Charles Centinaro
Director
Office of Attorney Ethics

OFFICE OF ATTORNEY ETHICS



OF THE SUPREME COURT OF NEW JERSEY

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May 1, 2015

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

- Almost two and a half percent (2.4%) more attorneys were disciplined in 2014 (174) than 2013 (170).
- New investigations decreased by 1% (1,327) from last year's filings (1,340).
- New formal complaints (and other charging documents) increased by only .4% percent (226) compared to last year (225).
- OAE's investigative time goal compliance remained at 83%, the same as 2013.
- District Ethics Committees' average time goal compliance for 2014 increased by 2% to 80%.
- OAE ethics counsel appeared before the Supreme Court on 31 occasions for oral argument in 2014.
- District Fee Arbitration Committees arbitrated or settled cases totaling more than \$13.1 million in legal fees.
- The Random Audit Program conducted 389 audits of law firms in 2014.
- Eight lawyers were disciplined (including three disbarments by consent) through the detection efforts of the Random Audit Program.
- As of December 31, 2014, the attorney population was 95,807 – one attorney for every 93 New Jersey citizens.
- The Garden State ranks 6th in the nation in the number of attorneys admitted to practice.
- New Jersey ranks 39th in the country (at \$212) in annual attorney licensing fees charged.
- Nine (9) lawyers were disciplined in 2014 due to the Trust Overdraft Notification Program.

These highlights demonstrate the Office of Attorney Ethics' continued commitment to preserving public confidence in our attorney disciplinary and fee arbitration systems.

Respectfully submitted,

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

Charles Centinaro, Director
Office of Attorney Ethics

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I. THE YEAR IN REVIEW

A. CASE PROCESSING

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 83%, the same as 2013. The Ethics Committees' average time goal compliance for the year increased by 2% to 80%.

b. Age of Investigations

For the first time in six years, the average age of the OAE's pending investigations increased. The average age increased from 153 days for 2013 to 166 days for 2014. Once again, the Ethics Committees reduced the average age of their pending investigations from 131 days for 2013 to 129 days for 2014.

c. Backlog

The OAE's backlog remained at 17% for 2014. However, the percentage of investigations over one year old increased from 8% to 9%. The Ethics Committees reduced their average backlog by 2% to 20%.

d. Decrease in Investigations

In 2014, slightly fewer new investigations were added to the joint docket of the OAE and Ethics Committees than in 2013. Specifically, 1,327 new investigations were commenced in 2014, as opposed to 1,340 investigations in 2013. Stated differently, new investigations decreased by .1% in 2014.

2. Hearings

a. Increase in Age of Hearings

In 2014, the average time it took for the OAE to complete hearings on the complaints it filed increased by .4 months. Similarly, the Ethics Committees' hearings took an average of 1.4 months longer in 2014 than in 2013.

b. Increase in Complaints

In 2014, the OAE and Ethics Committees filed just one more complaint in 2014 than in 2013. Two hundred and twenty-six (226) complaints were added in 2014, representing an increase of just .4% over the 225 complaints filed in 2013.

B. 5th ANNUAL OAE TRAINING CONFERENCE

Improving efficiency is a top priority of the Office of Attorney Ethics, 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 Office of Attorney Ethics supplemented its regular training of the professionals and volunteers involved in attorney discipline by hosting an all-day training conference. The 5th annual conference was held at The Conference Center at Mercer County Community College on October 3, 2014.

New Jersey Supreme Court Justice Barry Albin opened the OAE Training Conference by recognizing the hard work and dedication of the OAE staff and the hundreds of volunteers serving on the Ethics and Fee Arbitration Committees. He spoke of the importance of attorney regulation and thanked everyone for their service.

Justice Albin'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. Over 215 attendees submitted evaluation forms in which they described the workshops as informative, helpful and well-presented.

C. DISCIPLINE

A total of 174 attorneys were sanctioned by the New Jersey Supreme Court in 2014. (See "Sanctions" at page 15). This number includes all attorneys on whom final discipline was imposed as well as those against whom emergent action was taken. In 2013, 170 attorneys were sanctioned. Therefore, 2.4% 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 proven, 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 proven, 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. Disciplinary officials have a duty to maintain the confidentiality of the system and of all non-public documents. *R. 1:20-9(i)*. However, grievants are free to speak about all aspects of the investigation process. Nevertheless, documents gathered during the investigation may not be released publicly by anyone, except as may be permitted by *R.1:20-9(a)(1)*. 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 entered 2014 with a statewide total of 1,127 investigations carried over from prior years. During the year, 1,327 new investigations were added for a total disposable caseload of 2,454. A total of 1,361 investigations were disposed of, leaving 1,093 pending investigations at year's end.

During 2014, the number of grievances docketed and assigned for investigation (1,327) decreased by 1% compared to the 1,340 new filings recorded in 2013. In comparison to five years ago, the number of grievances docketed in 2014 decreased by 7.3%. **(Figure 1)**.

Changes in Investigations

Year	Filings	Change	Overall
2014	1,327	-1%	-7.3%
2013	1,340	-.7%	
2012	1,349	-3.1%	
2011	1,392	-2.7%	
2010	1,431	-3%	

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 2014, only 1.77% of the 75,108 active lawyers as of December 31, 2014 had grievances docketed against them. (**Figure 2**). This figure has decreased, albeit slightly, every year for the past five years.

Lawyer-Grievance Analysis

Year	Filings	Lawyers*	Percent
2014	1,327	75,108	1.77%
2013	1,340	73,697	1.82%
2012	1,349	71,578	1.88%
2011	1,392	70,804	1.97%
2010	1,431	69,905	2.05%

* 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, and the complexity of the matter itself.

The average investigative time goal compliance rate for OAE cases for 2013 was 83% and was again 83% for 2014. The average time goal compliance rate at the Ethics Committee level increased from 78% for 2013 to 80% for 2014.

The OAE's average age of pending investigations increased from 153 days for 2013 to 166 for 2014. The Ethics Committees, however, reduced the average age of their pending investigations from 131 days in 2013 to 129 days for 2014. The average age of the Ethics Committees' investigations was as low as 117 days during the year.

The OAE's average backlog of investigations remained at 17% for 2014, the same as for 2013.

The average backlog of the Ethics Committees decreased from 22% for 2013 to 20% for 2014.

C. COMPLAINTS

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 39), 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 2014 with a total of 244 complaints carried over from prior years. During the year, 226 new complaints were added for a total disposable caseload of 470. A total of 225 complaints were disposed of through the hearing process, leaving 245 pending complaints at year's end. Of that number, 25 were in untriable status, leaving an active pending caseload of 220 complaints.

The number of new formal complaints filed in 2014 (226) increased by .4% over 2013 (225). For the most recent five-year period, new formal complaints decreased overall by 5.8%. (Figure 3).

Changes in Complaints

Year	Filings	Change	Overall
2014	226	.4%	-5.8%
2013	225	-5.5%	
2012	238	-25%	
2011	317	32%	
2010	240	--	

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 guilty of unethical conduct for which discipline is required.

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 2014, the OAE took an average of .4% longer to complete its hearings than in 2013 (461 days for 2014 compared to 450 days for 2013.) Similarly, the Ethics concluded their hearings an average of 1.4 months longer than the previous year (303 days in 2014 compared to 262 days in 2013).

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 31 times for oral argument in discipline cases in 2014. Arguments are streamed in real time over the Internet and can be accessed at the Judiciary's Website -- www.njcourtsonline.com -- by clicking on the **WEBCAST** icon.

In 2014, the Supreme Court imposed final discipline on 150 New Jersey attorneys. Prior years' totals were: 135 in 2013, 139 in 2012 and 136 in 2011. **Figure 5** at page 18 contains a list of all final and emergent action, as well as all reinstated attorneys for 2014.

1. *Forms of Final Discipline*

There are six primary forms of final disciplinary sanctions: disbarment, license revocation, 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. License Revocation

A license revocation is an annulment of the right to practice law.

c. 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)(3)*.

d. 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)*.

e. Reprimand

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

f. 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 150 final sanctions imposed in 2014 include 14 disbarments by Order of the Supreme Court, 17 disbarments by consent of the respondent, no revocations, 35 term suspensions, 1 indeterminate suspension, no suspended suspensions, 25 censures, 29 reprimands and 26 admonitions.

Comparisons of 2014 sanctions with the prior year are as follows: disbarments by Order of the Supreme Court increased by 40% (14 vs. 10); disbarments by consent increased by 21.4% (17 vs. 14); no attorneys' licenses were revoked; term suspensions increased by 65.2% (38 vs. 23); censures decreased by 7.4% (25 vs. 27); reprimands decreased by 19.4% (29 vs. 36); and admonitions increased by 4% (26 vs. 25).

C. EMERGENT ACTION

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

For 2014, a total of 24 attorneys were the subject of emergent sanctions (24 temporary suspensions and 0 license restrictions). This represents a decrease of 31.4% from the total

last year, when 35 emergent actions were taken (35 temporary suspensions and 0 license restrictions). Prior years' results were: 2012 (40 temporary suspensions and 0 license restrictions); 2011 (35 total – 33 temporary suspensions and 2 license restrictions); and 2010 (24 total – 22 temporary suspensions and 2 license restrictions). During that five-year period, an average of 32 lawyers were subject to emergent action. The names of attorneys emergently disciplined are listed in **Figure 5**.

In 2014, the leading reasons for emergent discipline were: non-cooperation with disciplinary authorities and non-compliance with Supreme Court Orders at 38% (9 cases); the attorney's conviction of a "serious crime" as defined in R.1:20-13 at 20% (5 cases); knowing misappropriation of clients' trust funds at 16.7% (4 cases); non-payment of fee arbitration committee awards at 16.7% (4 cases); and non-payment of disciplinary costs at 8.3% (2 cases).

D. TOTAL DISCIPLINE

In total, 174 attorneys were sanctioned by the New Jersey Supreme Court in 2014, whereas 170 attorneys were sanctioned in 2013 (representing an increase of 2.4%). Sanction totals for previous years were as follows: 179 in 2012; 171 in 2011; 160 in 2010; and 173 in 2009. The average number of sanctions over the past five years is 171. The number of attorneys sanctioned in 2014 is 1.8% higher than this five-year average.

Five-Year Sanction Trend

Year	Attorneys Disciplined
2014	174
2013	170
2012	179
2011	171
2010	160

Figure 4

OFFICE OF ATTORNEY ETHICS**YEARLY DISCIPLINE REPORT****(1/1/2014 to 12/31/2014)****DISBARMENT (14)**

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Cammarano, Peter James III	2002	Hudson	09/17/2014	09/17/2014
Chambers, Owen	2000	New York	03/20/2014	03/20/2014
Delgado-Shafer, Dorca Iris	2002	Burlington	05/15/2014	05/15/2014
Frye, Roger Paul	1982	Burlington	05/22/2014	05/22/2014
Gross, Neil Lawrence	1994	Morris	10/22/2014	10/22/2014
Kellner, Stuart A.	1975	Warren	05/06/2014	05/06/2014
Langman, Bennett Elliot	2007	Pennsylvania	09/10/2014	09/10/2014
Leotti, Darren P.	1991	Hunterdon	07/03/2014	07/03/2014
Livingston, Richard B.	1971	Essex	06/05/2014	06/05/2014
Luciano, Michael A.	1984	Essex	05/12/2014	05/12/2014
Manolakis, Peter E.	1987	Middlesex	05/29/2014	05/29/2014
Marino, Matthew A.	1988	North Carolina	05/16/2014	05/16/2014
Rak, Samuel	1985	Bergen	04/10/2014	04/10/2014
Tiffany, John E.	1992	New York	05/28/2014	05/28/2014

DISBARMENT BY CONSENT (17)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Adoff, Leonard H.	1991	Bergen	10/16/2014	10/16/2014
Bryant, Wayne R.	1972	Camden	02/07/2014	02/07/2014
Capazzi, Louis Anthony Jr.	1990	Bergen	12/01/2014	12/01/2014
Carlin, Kevin Joseph	1985	Mercer	05/21/2014	05/21/2014
Concurso, Robert James Jr.	1998	Ocean	08/27/2014	08/27/2014
Kirkwood, Christopher James	1985	Monmouth	01/14/2014	01/14/2014
Kurts, John E.	1979	Burlington	10/29/2014	10/29/2014
Lax, Fred Mark	1995	Bergen	12/12/2014	12/12/2014
Lieberman, Barbara J.	1977	Atlantic	12/18/2014	12/18/2014
Marum, Scott J.	1979	Morris	06/24/2014	06/24/2014
Minor, Clifford J.	1981	Essex	03/27/2014	03/27/2014
Murphy, Thomas L.	1990	Atlantic	02/06/2014	02/06/2014
Peck, Deborah C.	1989	Florida	12/05/2014	12/05/2014
Scerbo, Otto J.	1983	New York	09/24/2014	09/24/2014
Suh, Soon-Mee	2006	Bergen	10/29/2014	10/29/2014
Wood, Lois Anne	1983	Mercer	08/07/2014	08/07/2014
Van Dam, T. T.	1973	Bergen	10/23/2014	10/23/2014

SUSPENSION TERM (38)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Bozeman, Wayne D. - 36 Mo.	2006	Pennsylvania	06/18/2014	06/18/2014
Brekus, Andrew John - 36 Mo.	1986	Pennsylvania	10/21/2014	10/21/2014

Brollesy, Hany S. - 3 Mo.	1994	Monmouth	05/12/2014	06/12/2014
Brown, Saleemah Malukah - 3 Mo.	2008	Passaic	06/18/2014	07/17/2014
Carmel, David R. - 3 mo.	1972	Bergen	10/08/2014	11/07/2014
Chizik, Joseph S. - 3 Mo.	1976	Burlington	01/15/2014	02/14/2014
Costill, Keith A. - 24 Mo.	1990	Mercer	05/16/2014	06/09/2014
Day, Neil M. - 3 Mo.	1998	Mercer	04/10/2014	05/07/2014
Engelhart, Edward G. - 12 Mo.	1979	Essex	05/16/2014	05/22/2013
Filosa, Gregory N. - 12 Mo.	2006	New York	11/06/2014	02/12/2013
Furino, Ralph V. Jr. - 6 Mo.	1981	Middlesex	11/19/2014	11/19/2014
Grasso, Donald J. - 24 Mo.	1972	Ocean	12/12/2014	05/10/2012
Gross, Neil Lawrence - 6 Mo.	1994	Morris	01/07/2014	01/07/2014
Gruen, David - 12 Mo.	1999	New York	07/03/2014	08/01/2014
Krain, Jeffery L. - 6 Mo.	1978	Camden	02/12/2014	03/11/2014
Macchiaverna, Louis - 12 Mo.	1998	Ocean	07/17/2014	07/17/2014
Macchiaverna, Louis - 24 Mo.	1998	Ocean	07/17/2014	07/18/2015
Main, Kevin H. - 12 Mo.	1988	Mercer	03/26/2014	04/25/2013
Manoff, Marc D. - 36 Mo.	1990	Pennsylvania	09/08/2014	09/08/2014
Molina, Wanda - 6 Mo.	1989	Bergen	01/31/2014	02/28/2014
Morton, Benjamin - 3 Mo.	1998	Essex	12/10/2014	01/06/2015
Moses, Keith O. - 3 Mo.	1990	Hudson	01/08/2014	02/07/2014
Mueller, Erik - 36 Mo.	2000	Ocean	07/03/2014	06/24/2011
Nihamin, Felix - 3 Mo.	1995	New York	06/18/2014	07/17/2014
Olewuanyi, Chris C. - 24 Mo.	1998	Union	02/07/2014	09/30/2005
Orlovsky, Dale - 24. Mo.	1973	Ocean	12/12/2014	05/11/2012
Phillips, Duane T. - 3 Mo.	1993	Atlantic	02/12/2014	03/11/2014
Pinck, Justin M. - 3 Mo.	2006	Passaic	08/08/2014	08/16/2014
Pinck, Lawrence R. - 3 Mo.	1980	Passaic	07/23/2014	08/16/2014
Pocaro, Jeffrey R. - 3 Mo.	1982	Union	09/24/2014	10/23/2014
Sachar, Jonathan Edward - 3 Mo.	1995	Cape May	05/16/2014	06/13/2014
Saluti, Gerald M. - 3 Mo.	1992	Essex	01/31/2014	02/28/2014
Sigman, Scott P. - 30 Mo.	2001	Pennsylvania	12/18/2014	01/16/2015
Sommer, Goldie C. - 12 Mo.	1976	Essex	05/16/2014	05/22/2013
Steiert, Geoffrey L. - 6 Mo.	1980	Camden	12/10/2014	12/10/2014
Stolz, Jared - 3 Mo.	1990	Hunterdon	09/04/2014	10/03/2014
Tarter, Mitchel - 3 Mo.	2003	Middlesex	01/16/2014	01/16/2014
Van Syoc, Clifford L. - 6 Mo.	1980	Camden	01/16/2014	02/14/2014

CENSURE (25)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Balliette, Anthony J.	2000	Cape May	04/10/2014	04/10/2014
Block, Adam Kenneth	1993	Union	02/14/2014	02/14/2014
Block, Adam Kenneth	1993	Union	11/20/2014	11/20/2014
Boyman, Christopher D.	1987	Union	05/16/2014	05/16/2014
Breslin, James Jr.	1968	Bergen	03/27/2014	03/27/2014
Brown, Stephen Darryl	1986	Essex	07/28/2014	07/28/2014
Carlitz, Debbie Ann	1987	Middlesex	07/03/2014	07/03/2014
Cellino, Peter Roy	2005	Georgia	05/16/2014	05/16/2014

Daly, Charles B.	1971	Monmouth	09/05/2014	09/05/2014
Daniels, David P.	1979	Camden	03/14/2014	03/14/2014
Dariento, Marc	1993	Union	03/14/2014	03/14/2014
Einhorn, Barbara Kirsch	1985	Somerset	05/29/2014	05/29/2014
Ford, Mark William	1983	Camden	04/01/2014	04/01/2014
Gahwyler, William E. Jr.	1990	Bergen	03/27/2014	03/27/2014
Gensib, Carl David	1990	Middlesex	12/12/2014	12/12/2014
Key, James A. Jr.	1974	Middlesex	11/20/2014	11/20/2014
Lane, Joseph C.	1992	Monmouth	09/24/2014	09/24/2014
Milita, Martin J. Jr.	1981	Hunterdon	02/12/2014	02/12/2014
Palfy, Marc Z.	1999	Monmouth	11/20/2014	11/20/2014
Powell, Wayne	1985	Camden	09/05/2014	09/05/2014
Russell, Felicia B.	1982	Monmouth	09/05/2014	09/05/2014
Thompson, Ronald B.	1990	Burlington	09/05/2014	09/05/2014
Velahos, Efthemois D.	1991	Gloucester	12/12/2014	12/12/2014
Woitkowski, Matthew William	1996	New York	10/02/2014	10/02/2014
Yelland, Maria A.	1994	Mercer	10/30/2014	10/30/2014

PUBLIC REPRIMAND (29)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Bogard, Mark D.	2008	New York	11/20/2014	11/20/2014
Botcheos, George J. Jr.	1976	Camden	03/13/2014	03/13/2014
Brandmayr, Ronald J. Jr.	2002	Monmouth	11/20/2014	11/20/2014
Braverman, Fred R.	1980	Camden	10/30/2014	10/30/2014
Calpin, Brian Le Bon	2001	Gloucester	06/19/2014	06/19/2014
Cataline, Anne P.	1994	Burlington	10/02/2014	10/02/2014
Chatterjee, Suchis Mita	2004	Pennsylvania	03/04/2014	03/04/2014
Christoffersen, David Gray	1984	Mercer	10/21/2014	10/21/2014
Cooper, Edward Seth	1989	Union	07/11/2014	07/11/2014
Falkenstein, Francis J.	2005	Camden	12/12/2014	12/12/2014
Fell, Joseph Jerome	1992	Morris	09/29/2014	09/29/2014
Frayne, Clifford G.	1975	Ocean	10/29/2014	10/29/2014
Futterweit, Marc Allen	1989	Morris	05/16/2014	05/16/2014
Gembala, Joseph A. III	1985	Pennsylvania	03/13/2014	03/13/2014
Hoffberg, Barry Alan	1993	New York	10/01/2014	10/01/2014
Larkins, Daniel G.	1983	Bergen	02/14/2014	02/14/2014
Liptak, Christine	1992	North Carolina	02/12/2014	02/12/2014
Lowden, Susan A.	1991	Camden	09/05/2014	09/05/2014
Morin, Philip J. III	1994	Warren	07/11/2014	07/11/2014
Murray, Andrew Kevin	1995	Morris	12/05/2015	12/05/2014
Picker, Cheryl H.	1988	Hudson	07/28/2014	07/28/2014
Resnick, Michael L.	1988	Morris	10/15/2014	10/15/2014
Schiff, Howard P.	1968	Monmouth	05/29/2014	05/29/2014
Tan, Herbert Joni	1998	Bergen	03/14/2014	03/14/2014
Tyler, Kimberly S.	1990	Somerset	05/29/2014	05/29/2014
Walcott, Brandon D.	2011	Cape May	05/14/2014	05/14/2014
Wecht, David L.	1989	Bergen	06/19/2014	06/19/2014

Weiner, Benjamin C.	1986	Essex	03/13/2014	03/13/2014
Winston, Eric M.	2002	Monmouth	10/01/2014	10/01/2014

ADMONITION (26)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Adams, Jeffrey M.	1990	Ocean	11/25/2014	11/25/2014
Beckerman, David M.	1951	Essex	07/22/2014	07/22/2014
Branigan, Sean Lawrence	2005	Essex	06/23/2014	06/23/2014
Breitman, Mark .L	1980	Monmouth	01/28/2014	01/28/2014
Gabry, Deborah Ann	1990	Essex	11/26/2014	11/26/2014
Gerstein, Ralph	2000	Mercer	06/19/2014	06/19/2014
Gilgallon, Craig S.	2002	Morris	10/20/2014	10/20/2014
Gonzalez, Osualdo	1987	Hudson	05/21/2014	05/21/2014
Graham, William Robb	1983	Burlington	01/23/2014	01/23/2014
Greenman, Jonathan	2003	Bergen	01/23/2014	01/23/2014
Hartman, Frances Ann	1984	Burlington	07/22/2014	07/22/2014
Ibezim, Sebastian Onyi Jr.	1997	Essex	03/26/2014	03/26/2014
Kraemer, Gary A.	1977	Sussex	06/24/2014	06/24/2014
Lloyd, James David	1996	Union	06/25/2014	06/25/2014
Manigault, Samuel M .	1985	Union	02/28/2014	02/28/2014
Matheke, Cynthia A.	1973	Essex	07/17/2014	07/17/2014
Miller, Leonard S.	1965	Bergen	09/23/2014	09/23/2014
Murphy, Kendall S.	1995	Mercer	11/24/2014	11/24/2014
Polazzi, David G.	2005	Bergen	01/28/2014	01/28/2014
Poltrock, Harold J .	1980	Essex	01/23/2014	01/23/2014
Porwich, Alan S.	1979	Hudson	10/29/2014	10/29/2014
Roesler, Bruce H.	1977	Gloucester	01/21/2014	01/21/2014
Schnitzer, Stephen	1968	Essex	03/26/2014	03/26/2014
Seltzer, Richard L.	1981	Essex	01/28/2014	01/28/2014
Stewart, Clifford G.	1983	Essex	04/22/2014	04/22/2014
Traylor, Stephen A.	1984	Mercer	04/22/2014	04/22/2014

SUSPENSION INDEFINITE (1)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Cohen, Neil M.	1978	Essex	10/23/2014	01/13/2011

TOTAL FINAL DISCIPLINE.....150

TEMPORARY SUSPENSION (24)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Barringer, Jennifer Lee	2008	Unknown	05/15/2014	05/15/2014
Bernhammer, Roger C.	1996	Passaic	02/12/2014	02/12/2014
Cataline, Anne P.	1994	Burlington	10/08/2014	10/08/2014
Climmons, Gwendolyn Faye		Texas	10/17/2014	10/17/2014
Diorio, Robert C.	1975	Union	09/04/2014	09/04/2014
Einhorn, Barbara Kirsch	1985	Somerset	05/23/2014	05/23/2014
Engelhardt, Suzanne L.	1991	Middlesex	04/25/2014	04/25/2014
Ezor, Herbert R.	1971	Passaic	02/12/2014	02/12/2014

Ezor, Herbert R.	1971	Passaic	09/23/2014	09/23/2014
Frank, Barry N.	1977	Bergen	09/16/2014	09/16/2014
French, Steven R.	2002	Hudson	04/08/2014	04/08/2014
Ioannou, John Michael	1983	New York	04/08/2014	04/08/2014
Kapalin, Charles Brian	1982	Essex	12/12/2014	12/12/2014
Kelley, Daniel B.	1998	Camden	05/19/2014	05/19/2014
Lieberman, Barbara J.	1977	Atlantic	06/04/2014	06/04/2014
Mac Duffie, Edward A. Jr.	1971	Ocean	01/08/2014	01/08/2014
Meadows, William T.	2003	Camden	05/28/2014	05/28/2014
O'Hara, John J. III	2005	Morris	09/04/2014	09/04/2014
Oliver, Raymond A.	1979	Warren	09/09/2014	10/09/2014
Payton, Ben W.	1992	Union	05/22/2014	05/22/2014
Pinck, Justin M.	2006	Passaic	08/16/2014	08/16/2014
Pinck, Lawrence	1980	Passaic	08/16/2014	08/16/2014
Sica, Pauline E.	1993	Florida	03/12/2014	03/12/2014
Werner, Edward G.	1989	Burlington	03/12/2014	03/12/2014

TOTAL TEMPORARY DISCIPLINE.....24

REINSTATEMENTS (12)

<u>ATTORNEY</u>	<u>SUSPENDED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Arzadi, Karim K.	01/03/2014	Middlesex	07/07/2014	07/07/2014
Brollesy, Hany S.	06/12/2014	Monmouth	09/25/2014	09/25/2014
Brown, Saleemah Malukah K.	07/17/2014	Passaic	12/10/2014	12/10/2014
Clark, Thomas Andrew	12/16/2013	Middlesex	02/12/2014	02/12/2014
Engelhart, Edward G.	05/22/2013	Essex	06/26/2014	06/26/2014
Ezor, Herbert R.	02/12/2014	Passaic	05/07/2014	05/07/2014
Felsen, Stuart David	07/05/2013	Morris	03/24/2014	03/24/2014
Felsen, Stuart David	07/27/2013	Morris	03/24/2014	03/24/2014
Krain, Jeffery L.	03/11/2014	Camden	09/23/2014	09/23/2014
Lewis, David A.	12/15/2011	Morris	01/27/2014	01/27/2014
Molina, Wanda	02/28/2014	Bergen	09/25/2014	09/25/2014
Sommer, Goldie C.	05/22/2013	Essex	06/26/2014	06/26/2014

TOTAL REINSTATEMENTS.....12

Figure 5

IV. GROUNDS FOR FINAL DISCIPLINE

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

A. FRAUD AND MISREPRESENTATION

In first place for 2014 was the grouping of fraud and misrepresentation (whether resulting from criminal or disciplinary findings), which account for 12.7% of all final discipline cases (19 of 150 cases.) This grouping was also in first place for 2013.

Tied for second place this year, each at 12% (18 of 150 cases), are the categories of Gross and Patterned Neglect, Other Money Offenses, and Knowing Misappropriation.

B. GROSS AND PATTERNED NEGLIGENCE

Attorneys who engage in grossly negligent conduct are a danger to the public. While New Jersey does not discipline single instances of simple neglect, multiple instances of simple neglect may form a pattern of neglect that constitutes unethical conduct. This category was tied for second place last year, accounting for 11.9% of all sanctions.

C. OTHER MONEY OFFENSES

“Other Money Offenses” include negligent or reckless misappropriation, serious trust account recordkeeping deficiencies, and failure to safeguard funds and escrow violations. In 2013, this category was tied for second place with Gross and Patterned Neglect at 11.9%.

D. KNOWING MISAPPROPRIATION

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 either client trust/escrow funds or law firm funds, mandate disbarment.

1. Trust Overdraft Notification

New Jersey has the most pro-active financial programs of any state in the country, including Trust Overdraft Notification (Overdraft Program) and Random Audits (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 30 years of its existence, the Overdraft Program has been the sole source for the discipline of 180 New Jersey lawyers. Almost one half of the attorneys (49%) so disciplined were disbarred. In 2014, nine (9) attorneys were detected and disciplined through this program: James Breslin from Bergen County was censured; Saleemah Brown from Passaic County was suspended; William Gahwyler from Bergen County was censured; Christopher Kirkwood from Monmouth County was disbarred by consent; Richard Livingston from Essex County was disbarred; Scott Marum from Morris County was disbarred by consent; Cheryl Picker from Hudson County was reprimanded; Bruce

Roesler from Gloucester County was admonished; and Soon-Mee Suh from Bergen County was disbarred by consent.

2. *Random Audit Program*

The Random Audit Program 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 33 years of its operation, a total of 177 attorneys, detected solely by this program, have been disciplined for serious ethics violations. Fifty-seven percent (57%) of those attorneys were disbarred or suspended. In 2014, eight (8) attorneys were disciplined for committing serious financial violations: Leonard H. Adoff from Bergen County was disbarred by consent; David G. Christoffersen from Mercer County was reprimanded; Robert J. Conduro, Jr. from Ocean County was disbarred by consent; David P. Daniels from Camden County was censured; Samuel M. Manigault from Union County was admonished; Harold J. Poltrock from Essex County was admonished; Stephen Schnitzer from Essex County was admonished; and T.T. Van Dam from Bergen County was disbarred by consent.

Knowing misappropriation of trust funds was the third most common reason for lawyer sanctions in 2013 at 10.4%.

E. CRIMINAL CONVICTIONS

In 2014, the category of "Criminal Convictions" (excluding misappropriation, fraud and drug convictions) ranked third at 9.3% (14 of 150 cases). In 2013, this category was in sixth place at 6.7%.

F. DISHONESTY

Coming in fourth place at 7.3% (11 of 150 cases) was the category of "Dishonesty."

G. LACK OF COMMUNICATION

"Lack of Communication" is the category that came in fifth place with 6% (9 of 150 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 ninth place in 2012 at 4.4%

H. UNAUTHORIZED PRACTICE OF LAW

RPC 5.5 defines the Unauthorized Practice of Law to include not only an attorney practicing New Jersey law after his license to practice here has been revoked, but also when an attorney admitted here assists a non-lawyer in the performance of activity that constitutes the unauthorized practice of law. For 2014, this category achieved the sixth place ranking with 5.3% (8 of 150 cases). This category has not appeared in the top ten in over a decade.

I. CONFLICT OF INTEREST

“Conflict of Interest” came in seventh place, accounting for 4.6% of all final discipline cases (7 of 150 cases). This group was in fourth place in 2013 at 8.9%.

J. NON-COOPERATION WITH ETHICS AUTHORITIES

Also tied for seventh place was the category of “Non-cooperation with Ethics Authorities” at 4.6% (7 of 150 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.

K. INELIGIBLE PRACTICING LAW

The grouping “Ineligible Practicing Law” was in eighth place this year at 4% (6 of 150 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 to make payment of the mandatory annual attorney registration licensing fee. This grouping has been in the top ten grounds for discipline in 2004, 2006, 2008, 2009, 2011, 2012 and 2013.

L. ADMINISTRATION OF JUSTICE

In ninth place, “Administration of Justice” accounted for 3.3% of all final discipline cases (5 of 150 cases). This category has appeared on the list in 2012, 2008, 2006, 2005 and 2013.

M. FEES

In tenth place at 1.3% (2 of 150 cases) was 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.

Summaries of each of the 150 final discipline cases can be found in **Figure 6**.

2014 Disciplinary Summaries

Jeffrey M. Adams - Admonished on November 25, 2014 (*Unreported*) for failing to cooperate with a district ethics committee's investigation, in violation of *RPC* 8.1(b). Terrance L. Turnbach represented District IIIA before the DRB and respondent was *pro se*.

Leonard H. Adoff – Disbarred by consent on October 16, 2014, (219 *N.J.* 621) for the knowing misappropriation of client funds. Jason D. Saunders represented the OAE and David B. Rubin represented the respondent.

Anthony J. Balliette – Censured on a certified record on April 10, 2014 (217 *N.J.* 277) for threatening criminal prosecution if his client's former wife did not execute a property settlement agreement in violation of *RPC* 3.4(g). Edward Duffy represented District I before the DRB and respondent defaulted. The respondent was previously disciplined: Admonished in 2012.

David M. Beckerman – Admonished on July 22, 2014 (*Unreported*) for failing to advise his client to consult with independent counsel before providing financial assistance to the client. Also, respondent failed to provide the client with written disclosure and obtain informed written consent of the terms of the transactions. Philip B. Vinick appeared before the DRB for District VC and Elliot Abrutyn appeared on behalf of the respondent.

Adam Kenneth Block - Censured on a certified record on February 14, 2014 (217 *N.J.* 21) for violation of *RPC* 5.5 (a) (practicing law while ineligible) and *RPC* 8.1 (b) (failure to cooperate with disciplinary authorities). Jeffrey R. Jablonski represented District VI and respondent was *pro se*. The respondent was previously disciplined: Reprimanded in 2013.

Adam Kenneth Block – Censured on a certified record on November 18, 2014 (220 *N.J.* 33) for practicing while ineligible and failing to cooperate with disciplinary authorities. N. Ari Weisbrot represented District IIB and respondent was *pro se*. The respondent was previously disciplined: Reprimanded in 2013 and censured in 2014.

Mark D. Bogard – Reprimanded on November 20, 2014 (220 *N.J.* 44) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), and *RPC* 1.4(b) (failure to keep client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information) in connection his representation of homeowners during a loan modification and eventual sheriff's sale. Ruth V. Simon represented District XII and respondent was *pro se*.

George J. Botcheos, Jr. - Reprimanded by consent on March 13, 2014 (217 *N.J.* 147) for violating *RPC* 1.8(a) (entering into a business transaction with a client without advising in writing of the desirability of seeking the advice of independent counsel and without obtaining the written consent of the client to the transaction). Respondent borrowed a total of \$1,175,000 from his client to purchase two pieces of real estate in exchange for mortgages, which respondent failed to record. For the first loan made in 1995 for the amount of \$425,000, respondent repaid the same upon the sale of the property in 2008. For the second loan made in 2004 for the amount of \$750,000, the client recorded the mortgage when he discovered respondent had failed to do so. In October 2011, the client initiated foreclosure proceedings when respondent fell behind on his payments, ultimately gaining title to the property. William B. Hildebrand represented District IV and respondent was *pro se*.

Christopher D. Boyman – Censured on a certified record on May 16, 2014 (217 *N.J.* 359) for violating *RPC* 8.1(b) (failing to cooperate with disciplinary authorities) and *RPC* 8.4(b) (conduct prejudicial to the administration of justice). Christina Blunda Kennedy appeared before the DRB for the OAE and respondent did not appear. The respondent was previously disciplined: Censured in 2010.

Wayne D. Bozeman – Suspended for three years effective June 18, 2014 (217 *N.J.* 613) based on respondent's criminal conviction for conspiracy to defraud the United States in violation of 18 *U.S.C.* §371. Respondent failed to pay personal income tax on income acquired from his game repair and resale business Keystone Game Supply, Inc., from 1999 through 2007. Melissa A. Czartoryski appeared before the Court for the OAE and David H. Dugan, III represented the respondent.

Ronald J. Brandmayr, Jr. - Reprimanded on a certified record on November 20, 2014 (220 *N.J.* 34) for violating *RPC* 1.3 (lack of diligence), and *RPC* 1.4(b) (failure to communicate with the client). Mark F. Heinze represented District IIB and respondent was *pro se*. The respondent was previously disciplined: Reprimanded in 2012.

Sean Lawrence Branigan – Admonished on June 23, 2014 (*Unreported*) for failing to keep a matrimonial client reasonably informed about the status of her case and failing to promptly comply with her request for an accounting of the work he had performed and the amount that the client owed. Jeffrey Michael Wactlar represented District VC and respondent was *pro se*.

Fred R. Braverman – Reprimanded on October 30, 2014 (220 *N.J.* 25) 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* 3.2 (failure to expedite litigation), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Respondent grossly neglected his personal injury client who had been gravely injured in a motor vehicle accident in Maryland. Jason Sunkett represented District IV and Robert N. Braverman represented the respondent.

Andrew Brekus – Suspended on a certified record for three years effective October 21, 2014 (220 *N.J.* 1) for violating *RPC* 8.1(b) (failing to cooperate with disciplinary authorities) and *RPC* 8.4(b) (conduct prejudicial to the administration of justice). Christina Blunda Kennedy appeared before the Supreme Court for the OAE and respondent did not appear. The respondent was previously disciplined: Admonished in 2000, reprimanded in 2006, censured in 2009, suspended for one year in 2009, suspended for one year in 2010, and suspended for two years in 2011.

James A. Breslin, Jr. - Censured on March 27, 2014 (217 *N.J.* 217) for gross neglect, lack of diligence, failure to safeguard trust funds, record keeping violations, and failure to cooperate with disciplinary authorities. Christina Blunda Kennedy appeared before the DRB for the OAE and Robert Ramsey appeared for the respondent. The respondent was previously disciplined: Censured in 2002.

Hany S. Brollesy – Suspended for 3 months by consent on May 12, 2014 (217 *N.J.* 307) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Christina Blunda Kennedy appeared before the DRB for the OAE and respondent was *pro se*.

Saleemah Malukah K. Brown – Suspended for three months on a certified record on June 18, 2014 (217 *N.J.* 614), effective July 17, 2014, for violating *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter), *RPC* 1.5(a) (unreasonable fee), *RPC* 1.15(b) (failure to promptly notify a client about the receipt of funds or to promptly turn over funds that the client is entitled to receive), *RPC* 1.15(c) (failure to keep separate funds in which a lawyer and another claim an interest, until the dispute concerning their respective interests is resolved), and *RPC* 1.15(d) and R.1:21-6 (recordkeeping), *RPC* 8.1(a) (false statement to disciplinary authorities), and *RPC* 8.1(b) (failing to cooperate with disciplinary authorities). Christina Blunda

Kennedy appeared before the DRB for the OAE and respondent did not appear.

Stephen D. Brown – Censured on July 28, 2014 (218 *N.J.* 387) following a stipulation of discipline by consent in which respondent agreed that he violated *RPC* 1.1(a) (gross neglect), *RPC* 1.1(b) (pattern of neglect), *RPC* 1.15(a) (negligent misappropriation), *RPC* 1.15(d) and R.1:21-6 (recordkeeping violations), *RPC* 5.3(a) and (b) (failing to adequately supervise a non-lawyer), and *RPC* 8.4(c) (conduct involving dishonesty, deceit or misrepresentation). Respondent failed to discover forged checks and other improprieties committed by his longtime employee because he neither properly reconciled his attorney trust account nor supervised his non-lawyer assistant. Maureen G. Bauman represented the OAE on a stipulation of discipline by consent and Gerard E. Hanlon represented the respondent. The respondent was previously disciplined: Suspended for three months in 1996.

Wayne R. Bryant – Disbarred by consent on February 7, 2014 (216 *N.J.* 597) following respondent's criminal conviction in the United States District Court, District of New Jersey for six counts of honest services fraud, in violation of 18 U.S.C. §§ 1341, 1343, and 1346; one count of bribery, in violation of 18 U.S.C. § 666 (a); and five counts of mail fraud, in violation of 18 U.S.C. § 1341. Hillary Horton represented the OAE before the Supreme Court and Carl D. Poplar represented the respondent.

Brian L. Calpin – Reprimanded by consent on June 19, 2014 (217 *N.J.* 617) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), and *RPC* 1.4(b) (failure to adequately communicate with the client). Vanessa James represented District IV and respondent was *pro se*.

Peter J. Cammarano - Disbarred on September 17, 2014 (219 *N.J.* 415) on a Motion for Final Discipline following his guilty plea in United States District Court for the District of New Jersey to one count of conspiracy to obstruct interstate commerce by extortion under color of official right, in violation of 18 U.S.C. § 1951(a). The Court issued an opinion in which it held that respondent's unethical conduct, offering, while running for and holding the position of Mayor of Hoboken, favored status to a private real estate developer in exchange for money, betrayed "a solemn public trust" and undermined public confidence in honest government warranting respondent's disbarment. Missy Urban represented the OAE in the Supreme Court and Joseph A. Hayden, Jr. represented the respondent.

Louis A. Capazzi – Disbarred by consent on December 1, 2014 (220 *N.J.* 45) for knowingly misappropriating

and/or stealing client's escrowed funds. Christina Blunda Kennedy appeared before the Supreme Court for the OAE and E. Carr Cornog III represented the respondent. The respondent was previously disciplined: Suspended for one year in 2007.

Kevin Joseph Carlin - Disbarred by consent on May 21, 2014 (217 *N.J.* 428) for knowingly misappropriating client funds to be held in escrow for mortgage payments on behalf of two clients. HoeChin Kim represented the OAE and Robert E. Ramsey represented the respondent. The respondent was previously disciplined: Reprimanded in 2003; censured in 2006; suspended for three months in 2009; suspended for one year in 2012; and suspended for two years in 2013.

Debbie Ann Carlitz - Censured on July 3, 2014 (218 *N.J.* 2) for unethical conduct in Pennsylvania including failing to properly supervise her paralegal, aiding her paralegal in the unauthorized practice of law, permitting her paralegal access to her attorney trust account, practicing law while ineligible, and failing to notify her clients that she was on inactive status in Pennsylvania. Missy Urban represented the OAE on a motion for reciprocal discipline and respondent was *pro se*.

David R. Carmel – Suspended for three months effective November 7, 2014 (219 *N.J.* 539) for fabricating a *lis pendens* document and affixing a court's seal to it in an attempt to convince the IRS that its lien was junior to that of the respondent's client so that the IRS would then release its tax lien. Maureen G. Bauman represented the OAE and respondent appeared *pro se*.

Anna P. Cataline – Reprimanded on October 2, 2014 on a certified record (219 *N.J.* 429) for failing to file a personal injury lawsuit on behalf of a client prior to the statute of limitations, failing to communicate with the client, and failing to cooperate with disciplinary authorities. Theresa Brown represented District IIIB and respondent was *pro se*.

Peter R. Cellino – Censured on May 16, 2014 (217 *N.J.* 361) for undertaking the representation of a client in a divorce matter in Georgia, a state in which he was not admitted to practice. Respondent's actions amounted to the unauthorized practice of law, in violation of *RPC* 5.5(a)(1). Maureen G. Bauman represented the OAE and respondent defaulted. The respondent was previously disciplined: Censured in 2010.

Owen Chambers – Disbarred on a certified record on March 20, 2014 (217 *N.J.* 196) for failure to promptly deliver funds to a third person, failure to cooperate with disciplinary authorities, a criminal act that reflects adversely on a lawyer's honesty, trustworthiness or fitness

as a lawyer, conduct involving dishonesty, fraud deceit or misrepresentation, conduct prejudicial to the administration of justice, and violations of N.J.S.A. 2C:20-3 (theft by taking) and N.J.S.A. 2C:21-34 (submission of a fraudulent claim for payment pursuant to a government contract). Christina Blunda Kennedy appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Suspended for three months in 2012 and six months in 2013.

Suchis Mita Chatterjee - Reprimanded by consent on March 4, 2014 (217 *N.J.* 55) for violating *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Respondent misrepresented to her Pennsylvania employer that she was admitted to practice law in Pennsylvania when, in fact, she had passed the Pennsylvania Bar exam but never obtained admission to the Bar. Respondent also accepted reimbursement from her employer of an alleged \$175 payment of her 2008 Bar dues. The employer discovered the misconduct only after respondent's reduction-in-force layoff in 2009. Thomas McKay III represented District IV and David H. Dugan III represented respondent.

Joseph S. Chizik – Suspended for three months on a certified record, effective February 14, 2014, (216 *N.J.* 399) for a lack of diligence, failure to communicate with clients, and failure to enter into a written fee agreement in two client matters. Respondent also failed to cooperate in the ethics investigations. Linda A. Hynes represented District IIIB and respondent was *pro se*. The respondent was previously disciplined: Reprimanded in 1997 and 2013.

David G. Christoffersen – Reprimanded on October 20, 2014 (220 *N.J.* 2) for negligent misappropriation of client funds, recordkeeping violations, and failure to segregate funds subject to a legal fee dispute. Melissa A. Czartoryski appeared before the Court for the OAE and Joseph P. Depa, Jr. appeared for the respondent.

Neil M. Cohen - Suspended indeterminately on October 23, 2014, retroactive to January 13, 2011, (220 *N.J.* 7) following his guilty plea to second-degree endangering the welfare of a child, contrary to N.J.S.A. 2C:24-4(b)(5)(a). The Court ruled that respondent's guilty plea and conviction based upon the discovery of pornographic images of children on a state-issued desktop computer and in a receptionist's desk drawer at the district office of New Jersey's Twentieth Legislative District, and on his private law office computer warranted an indeterminate suspension. Respondent may not apply for reinstatement for five years from January 13, 2011, the date of his temporary suspension. Hillary Horton represented the OAE before the DRB and Michael J.

Sweeney argued the case in the Supreme Court. Daniel J. McCarthy represented the respondent.

Robert J. Condurso – Disbarred by consent on August 27, 2014 (219 *N.J.* 122) for knowing misappropriation of trust account funds. Maureen G. Bauman represented the OAE and Eric J. Marcy represented respondent. This matter was discovered solely as a result of the Random Audit Program.

Edward S. Cooper – Reprimanded by consent on July 11, 2014 (218 *N.J.* 162) for violating *RPC* 1.15(a) (failure to safeguard funds of a client or third party), *RPC* 1.15(b) (failure to promptly notify a person of receipt of funds and to promptly turn over funds), and *RPC* 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal). Christina Blunda Kennedy appeared before the DRB for the OAE and Ruben Sinins represented respondent.

Keith A. Costill - Suspended for two years on May 16, 2014 (217 *N.J.* 354), effective June 9, 2014, following his conviction in the Superior Court of New Jersey, to one count of fourth-degree assault by auto, in violation of N.J.S.A. 2C:12-1c(1). Respondent's conviction for reckless driving, which resulted in the victim's death, established a violation of *RPC* 8.4(b) (criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer). Hillary Horton represented the OAE on a Motion for Final Discipline and respondent was *pro se*. The respondent was previously disciplined: Reprimanded in 2002.

Charles B. Daly – Censured on September 5, 2014 (219 *N.J.* 126) for violating *RPC* 1.7(a) (concurrent conflict of interest) and *RPC* 1.7(b) (1) (failure to obtain informed, written consent to the representation, after full disclosure and consultation with independent counsel). Jason D. Saunders appeared before the DRB for the OAE and the respondent was *pro se*. The respondent was previously disciplined: Reprimanded in 2008 and suspended for eighteen months in 2005.

David P. Daniels – Censured on March 14, 2014 (217 *N.J.* 150) for negligent misappropriation of client funds, recordkeeping violations, and failure to file suit in a personal injury matter prior to the expiration of the statute of limitations. Melissa A. Czartoryski appeared before the DRB for the OAE and the respondent waived appearance. The respondent was previously disciplined: Reprimanded in 1999.

Marc D'Arienzo - Censured on March 14, 2014 (217 *N.J.* 151) for practicing law while ineligible. Robert Logan appeared before the DRB for District XII and respondent was *pro se*. The respondent was previously disciplined: Admonished in 2001; admonished and suspended for

three months in 2004; censured in 2011; and reprimanded in 2013.

Neil M. Day - Suspended for three months on April 10, 2014, effective May 7, 2014, (217 *N.J.* 280) for violating *RPC* 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation) by fraudulently billing for time that he did not spend preparing-for and attending depositions. Timothy J. McNamara appeared before the DRB for the OAE and respondent was represented by John D. Arseneault.

Dorca Iris Delgado-Shafer – Disbarred on May 14, 2014 (217 *N.J.* 309) for gross neglect of immigration matters and failure to cooperate with disciplinary authorities. Disbarment ordered after consideration was given to respondent's serious disciplinary history and repeated disdain for the disciplinary system. Melissa A. Czartoryski appeared before the Supreme Court for the OAE and respondent was *pro se*. Respondent was previously disciplined: Suspended for two years in 2009; suspended for one year in 2011; and suspended for three years in 2012.

Barbara K. Einhorn – Censured on May 29, 2014 (217 *N.J.* 523) for violations of *RPC* 1.3 (failure to act with reasonable diligence), *RPC* 1.4(a) (failure to communicate with a client), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) while representing a client seeking to obtain a Retirement Benefits Court Order for her deceased husband's Thrift Savings Plan, as well as a Civil Service Retirement System Court Order. Elizabeth A. Weiler represented District XII and respondent was *pro se* on the matter which proceeded to the DRB as a default.

Edward G. Engelhart - Suspended for one year on May 16, 2014 (217 *N.J.* 357), effective May 22, 2013, following his conviction in the United States District Court, District of New Jersey, to one count of conspiracy to structure transactions to evade a reporting requirement, in violation of 31 U.S.C. §5324(a)(3) and 5234(d)(1) and 18 U.S.C. §371. Respondent's conviction for unlawfully structuring \$354,000 to assist a client in hiding funds from his wife during a divorce action established a violation of *RPC* 8.4(b) (criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer). Hillary Horton represented the OAE on a Motion for Final Discipline and Scott B. Piekarsky represented respondent.

Francis J. Falkenstein – Reprimanded on December 12, 2014 (220 *N.J.* 110) for his violations of *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with the client), *RPC* 1.16(b) (failure to terminate the representation of a client when the client insists upon taking action with which the lawyer

fundamentally disagrees), *RPC* 5.5(a)(1) (practicing law while ineligible), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Marian I. Kelly appeared before the DRB for District IV and Robert N. Agre appeared on behalf of respondent.

Joseph J. Fell - Reprimanded by consent on September 29, 2014 (219 *N.J.* 425) for violating *RPC* 5.5(a)(1) (practicing law while ineligible). Douglas Ciolek represented District XB and respondent was *pro se* on a Motion for Discipline by Consent granted by the Disciplinary Review Board. Respondent was previously disciplined: Admonished in 2011 and reprimanded in 2012.

Gregory N. Filosa - Suspended for one year on November 6, 2014, effective February 12, 2013 (220 *N.J.* 28) for providing opposing counsel with an inaccurate economist's expert report that failed to reflect the fact that the plaintiff in an employment discrimination suit had already obtained new employment at a higher salary than she had been earning previously. Respondent also failed to correct false answers that his client provided at depositions and attempted to leverage the false expert report into a favorable settlement. Hillary Horton represented the OAE in a Motion for Reciprocal Discipline before the DRB and respondent was *pro se*.

Mark W. Ford - Censured on April 1, 2014 (217 *N.J.* 251) for violating *RPC* 1.4(b) (failure to communicate with a client), *RPC* 1.4(c) (failure to explain a matter sufficiently to enable a client to make informed decisions about the representation), and *RPC* 1.5(b) (failure to communicate the basis or rate of the fee in writing). Christopher L. Soriano represented District IV and respondent was *pro se*. The respondent was previously disciplined: Reprimanded in 1998; admonished in 2002; reprimanded in 2009; and censured in 2011.

Clifford G. Frayne – Reprimanded on October 29, 2014 on a certified record (220 *N.J.* 23) for violating *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter), *RPC* 5.5(a)(1) (practicing law while ineligible), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Laura M. Halm represented District IIIA and respondent was *pro se*.

Roger P. Frye – Disbarred on May 22, 2014 (217 *N.J.* 438) based on respondent's guilty plea in the Superior Court of New Jersey to endangering the welfare of a child, in violation of N.J.S.A. 2C:24-4(a), conduct that violated *RPC* 8.4(b) (criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer). Maureen G. Bauman appeared before the Supreme Court for the OAE and respondent appeared *pro se*.

Ralph V. Furino – Suspended on a certified record for six months effective November 19, 2014 (220 *N.J.* 30) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to promptly comply with reasonable requests for information), *RPC* 1.15(b) (failure to promptly deliver to the client any funds that the client is entitled to receive), *RPC* 1.15(d) (recordkeeping) and *RPC* 8.1(b) (failing to cooperate with disciplinary authorities). Christina Blunda Kennedy appeared before the DRB for the OAE and respondent did not appear. The respondent was previously disciplined: Reprimanded in 2010, suspended for three months twice in 2012.

Marc A. Futterweit - Reprimanded on May 14, 2014 (217 *N.J.* 362) for violating *RPC* 1.5(b) (failure to memorialize the basis or rate of the legal fee), and *RPC* 1.8(a) (conflict of interest; business transaction with a client). John C. Maloney, Jr. appeared before the DRB for District XB and Gerard E. Hanlon appeared for respondent.

Deborah Ann Gabry – Admonished on November 26, 2014 (*Unreported*) for failing to obtain a client's written consent in a loan transaction involving respondent's husband, in which the parties' interests were directly adverse to one another, in violation of *RPC* 1.7(A)(2). Charles D. Craig, Jr. represented the District XB Ethics Committee and Rubin M. Sinins represented the respondent.

William E. Gahwyler – Censured on a certified record on March 27, 2014 (216 *N.J.* 218) for recordkeeping violations, in violation of *RPC* 1.15(d) and failure to cooperate with disciplinary authorities, in violation of *RPC* 8.1(b). Jason D. Saunders represented the OAE and respondent was *pro se*. The respondent was previously disciplined: Censured in 2012 and suspended in 2013.

Joseph A. Gembala III - Reprimanded on March 13, 2014 (217 *N.J.* 148) for violating *RPC* 1.5(b) (failure to communicate the basis or rate of the legal fee in writing) and *RPC* 1.15(d) and R.1:21-6(c)(1)(A) (recordkeeping violation for not complying with trust account electronic transfer requirements). Salvatore J. Siciliano represented District IV and Mark J. Molz represented respondent.

Carl D. Gensib - Censured on December 12, 2014 (220 *N.J.* 109) for his violations of *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 7.1(a) (false or misleading communication about the lawyer, the lawyer's services, or any matter in which the lawyer has or seeks a professional involvement), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). HoeChin Kim appeared before the DRB for the OAE and David H. Dugan III appeared on behalf of respondent.

The respondent was previously disciplined: Reprimanded in 2005, censured in 2011, suspended for six months in 2012, and censured in 2012.

Ralph Gerstein – Admonished on June 19, 2014 (*Unreported*) for gross neglect, lack of diligence, and failure to communicate in two client matters. In one of those client matters, respondent also made a misrepresentation about the status of the case, failed to return the file upon termination of the representation, and failed to promptly cooperate with the ethics investigator. Wendy M. Rosen represented District VII and Marc David Garfinkle represented the respondent.

Craig S. Gilgallon - Admonished on October 20, 2014 (*Unreported*) for recordkeeping irregularities and for failing to promptly satisfy the seller's mortgage from the closing proceeds while acting as a closing agent in a real estate matter. HoeChin Kim represented to OAE and Fredric L. Shenkman represented the respondent.

Donald J. Grasso - Suspended for two years on December 12, 2014, effective May 10, 2012 (220 *N.J.* 105) following his conviction in the United States District Court for the District of New Jersey to conspiracy to defraud the United States by conspiring to conceal income from the IRS, contrary to 18 U.S.C. §371. Respondent conspired to hide cash income at a restaurant/bar in which he was a 50% partner. Hillary Horton represented the OAE on a Motion for Final Discipline and Joseph P. La Sala represented respondent.

Neil L. Gross – Suspended for six months on a certified record effective January 7, 2014 (216 *N.J.* 401) for failing to promptly turn over funds to a third person, knowingly making a false statement of material fact to a tribunal, practicing law while ineligible, knowingly making a false statement of material fact to a disciplinary authority, failing to reply to a lawful demand for information from a disciplinary authority, and conduct involving dishonesty, fraud, deceit, or misrepresentation. Prior to reinstatement respondent is required demonstrate his fitness to practice as attested to by an OAE-approved mental health professional and to cooperate fully with the OAE in all disciplinary matters. Christina Blunda Kennedy appeared before the DRB for the OAE and respondent failed to appear. The respondent was previously disciplined: Censured in 2011 and 2012.

Neil L. Gross – Disbarred on a certified record on October 22, 2014 (220 *N.J.* 3) for violating *RPC* 1.3, lack of diligence, *RPC* 1.4(b) failure to communicate, *RPC* 5.5(a)(i) practicing while suspended, *RPC* 8.1(b) failure to cooperate with disciplinary authorities, *RPC* 8.4(c) and *RPC* 8.4(d) failing to file a R. 1:20-20 affidavit, following his 2012 temporary suspension. Christina

Blunda Kennedy appeared before the Supreme Court for the OAE and respondent failed to appear. Respondent had previously been disciplined: Censured in 2011 and 2012 and suspended for six months in 2014.

David Gruen - Suspended for one year, effective August 1, 2014 (218 *N.J.* 4), for misconduct perpetrated in New York including improper fee sharing with a non-lawyer, overcharging clients, recordkeeping violations, and filing inaccurate forms with the Office of Court Administration. Hillary Horton represented the OAE in a Motion for Reciprocal Discipline before the DRB and David H. Dugan, III represented respondent.

Frances Ann Hartman – Admonished on July 22, 2014 (*Unreported*) for failing to act with diligence after complaint was dismissed and by not returning client's repeated phone calls and emails for an entire year. Also, respondent failed to follow up and explain in detail what was problematic with the claim filed so that the client could make a decision whether to proceed or not. Linda A. Hynes appeared before the DRB for District IIIB and respondent was *pro se*.

Barry A. Hoffberg – Reprimanded by consent on October 1, 2014 (219 *N.J.* 426) for violating *RPC* 1.1(a) gross neglect, *RPC* 1.4(b) failure to keep his clients reasonably informed about the status of their matter and failure to comply with their reasonable requests for information; *RPC* 1.16(d) failure to refund a retainer and *RPC* 5.5(a) knowingly practicing law while ineligible and after his license was revoked. In addition, if respondent applies for readmission, his readmission should be withheld for one year and he may not be admitted pro hac vice until further Order of the Court. Christina Blunda Kennedy appeared before the DRB for the OAE respondent was *pro se*. Respondent was previously disciplined: Reprimanded in 2005.

Sebastian Onyi Ibezim, Jr. - Admonished on March 26, 2014 (*Unreported*) for maintaining outstanding, and in some cases unidentified, client balances in his attorney trust account. Maureen G. Bauman represented the OAE on a Motion for Discipline by Consent and respondent was *pro se*.

Stuart A. Kellner – Disbarred on a certified record on May 6, 2014 (217 *N.J.* 335) for knowingly misappropriating \$100,000 in client funds intended for a real estate purchase in violation of *RPC* 1.15(a) and the principles of In Re Wilson, 81 *N.J.* 451 (1979). Jason D. Saunders represented the OAE.

James A. Key, Jr. – Censured on November 20, 2014 (220 *N.J.* 31) for violating *RPC* 1.15(d) (recordkeeping violations), *RPC* 3.1 (asserting a frivolous claim), and

RPC 5.3 (failure to supervise non-lawyer employees). Willard Shih represented District VIII before the DRB and the respondent was *pro se*. The respondent was previously disciplined: Admonished twice in 1996 and reprimanded in 2007.

Christopher J. Kirkwood – Disbarred by consent on January 14, 2014 (216 *N.J.* 398) for knowingly misappropriating approximately \$76,000 from several clients and using the money for unrelated matters without the clients' knowledge, authority or consent. Maureen G. Bauman represented the OAE and Raymond S. Londa and Joseph Gachko represented the respondent.

Jeffrey L. Krain – Suspended for six months effective March 11, 2014 (216 *N.J.* 585) for an improper fee sharing arrangement with an immigration paralegal, whom he assisted in the practice of law and for whom he understated earnings on the paralegal's IRS 1099 forms. Melissa A. Czartoryski appeared before the DRB for the OAE and respondent appeared *pro se*. The respondent was previously disciplined: Suspended for one year in 2008.

Gary A. Kraemer – Admonished by consent on June 24, 2014 (*Unreported*) for lack of diligence, failure to communicate, and failure to promptly turn over the file to appellate counsel in two matters litigated in Sussex County on behalf of one client. Jeffrey W. Lorell represented District XA and George T. Daggett represented respondent.

John E. Kurts - Disbarred by consent on October 28, 2014 (220 *N.J.* 22) following charges that he told his client that the court had ordered a reduction in alimony when no such order existed; that he told his client that he needed an additional \$1,500.00 in order to get a copy of said order when this order did not exist; and that he took \$1,500.00 payment from his client to get a copy of the signed order which he knew did not exist. Respondent acknowledged that these allegations were true and if he went to a hearing, he could not successfully defend himself against those charges. Timothy J. McNamara represented the OAE and Frances A. Hartman represented respondent. The respondent was previously disciplined: Reprimanded in 2011.

Joseph C. Lane – Censured on September 24, 2014 (219 *N.J.* 321) for violating *RPC* 1.15(a) (failure to safeguard funds), *RPC* 1.15(b) (failure to promptly deliver funds to a client or third person), and *RPC* 1.7(a)(2) (concurrent conflict of interest). Jason D. Saunders represented the OAE and respondent was *pro se*. Respondent was previously disciplined: Admonished in 2009 and reprimanded in 2012.

Bennett E. Langman - Disbarred on September 10, 2014 (219 *N.J.* 183) for misconduct in the course of representation of two elevator companies in numerous matters in Pennsylvania state court. Respondent submitted two cases to binding arbitration without consulting with his client and took steps to conceal his actions from his client, opposing counsel, and his firm in another case which he settled without settlement authority. He also submitted fraudulent time sheets in more than 24 cases, billing for more than \$115,000 worth of legal work that he did not conduct. He also failed to report his address change to the Pennsylvania Office of Attorney Registrar and failed to timely file an answer to a Pennsylvania Petition for Discipline. Respondent was disbarred by consent in Pennsylvania. Hillary Horton represented the OAE before the Supreme Court on a Motion for Reciprocal Discipline and respondent was *pro se*.

Daniel G. Larkins - Reprimanded on a certified record on February 14, 2014 (217 *N.J.* 20) for violating *RPC* 8.1(b) (failure to cooperate with ethics authorities). Mary E. WanderPolo represented District VB and respondent was *pro se*. The respondent was previously disciplined: Admonished in 2009 and censured in 2013.

Fred Lax - Disbarred by consent on December 12, 2014 (220 *N.J.* 111) following his conviction in New York Supreme Court, New York County to one count of second-degree Grand Larceny, a Class C felony, and one count of third-degree Grand Larceny, a Class D felony. Hillary Horton represented the OAE and Brian J. Neville represented the respondent.

Darren P. Leotti – Disbarred on July 1, 2014 (218 *N.J.* 6) for the knowing misappropriation of law firm funds. Melissa A. Czartoryski appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Temporarily suspended in 2013.

Barbara J. Lieberman – Disbarred by consent on December 18, 2014 (220 *N.J.* 164) following her guilty plea in New Jersey Superior Court to one count of first-degree financial facilitation, which included a stipulation that she forfeit her New Jersey law license. Michael J. Sweeney represented the OAE and Steven J. Feldman represented the respondent.

Christine Liptak – Reprimanded on February 11, 2014 (217 *N.J.* 18) for recordkeeping violations and authoring a letter to a lender in a real estate transaction that contained misrepresentations. Melissa A. Czartoryski appeared before the DRB for the OAE and Henry E. Klingeman appeared for respondent.

Richard B. Livingston – Disbarred on June 5, 2014 (217 *N.J.* 591) for knowingly misappropriating clients’ funds by using them for purposes unrelated to the clients’ matter and without their knowledge or permission. Christina Blunda Kennedy appeared before the Supreme Court for the OAE and Raymond Londa represented respondent.

James David Lloyd – Admonished on June 25, 2014 (*Unreported*) for handling three client matters while ineligible to practice law for failure to pay the annual assessment to the New Jersey Lawyers’ Fund for Client Protection. Robert J. Logan represented District XII and respondent was *pro se* on a Disciplinary Stipulation submitted to the DRB.

Susan A. Lowden – Reprimanded on September 5, 2014 (219 *N.J.* 129) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 1.5(b) (failure to provide the basis or rate of fee in writing to the client), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Respondent also is required to complete a course in law office management within ninety days of the filing of the Order. Maryann J. Rabkin represented District IV and respondent was *pro se*.

Michael A. Luciano – Disbarred on May 12, 2014 (217 *N.J.* 306) for the knowing misappropriation of \$100,000 belonging to respondent’s ninety-one year old client in the days before she died. Melissa A. Czartoryski appeared before the Supreme Court for the OAE and David B. Glazer appeared for the respondent.

Louis Macchiaverna – Suspended for two years on July 17, 2014 (218 *N.J.* 166), effective July 18, 2015, for practicing law while suspended. Melissa A. Czartoryski represented the OAE and respondent defaulted. The respondent was previously disciplined: Reprimanded in 2010; temporarily suspended in 2011 and 2013; censured in 2013; and suspended for one year in 2014.

Louis Macchiaverna – Suspended for one year on July 17, 2014 (218 *N.J.* 164), effective July 17, 2014, for practicing law while suspended. Melissa A. Czartoryski represented the OAE and respondent defaulted. The respondent was previously disciplined: Reprimanded in 2010; temporarily suspended in 2011 and 2013; censured in 2013; and suspended for one year in 2014.

Kevin H. Main - Suspended for one year on March 26, 2014 (217 *N.J.* 216), effective on April 25, 2013, for failing to comply with R. 1:20-20, which requires the filing of a detailed affidavit specifying how a previously disciplined attorney has complied with each provision of the rule and the Supreme Court’s Order. By failing to file

the compulsory affidavit, respondent violated *RPC* 8.1(b) and 8.4(d). Hillary Horton represented the OAE and respondent was *pro se*. The respondent was previously disciplined: Admonished in 2010; suspended for three months in 2011; suspended consecutively for three months in 2011; suspended for two years in 2012; and suspended for two years in 2013.

Samuel M. Manigault - Admonished on February 28, 2014 (*Unreported*) for holding an unidentified balance of \$47,040.27 in his attorney trust account, failing to keep a running cash balance for his trust account, and failing to reconcile his client ledger balance with his monthly trust account bank statements, in violation of *RPC* 1.15(d). Jason D. Saunders represented the OAE in a Stipulation of Discipline by Consent before the DRB and Bernard K. Freamon represented respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

Marc D. Manoff - Suspended for three years on September 9, 2014 (219 *N.J.* 182) following his guilty plea in the United States District Court for the Eastern District of Pennsylvania to one count of conspiracy to commit securities fraud and two counts of securities fraud. The Court ordered that respondent not be reinstated in New Jersey until he is reinstated to practice in Pennsylvania. Missy Urban represented the OAE on a motion for final discipline and Robert S. Tintner represented respondent.

Peter E. Manolakis – Disbarred effective May 29, 2014 (217 *N.J.* 521) for violating *RPC* 1.15(a) (knowing misappropriation of client and escrow funds) and the principles of In re Wilson, 81 *N.J.* 451 (1979), and In re Hollendonner, 102 *N.J.* 21 (1985). Christina Blunda Kennedy appeared before the DRB for the OAE and the respondent did not appear. The respondent was previously disciplined: Censured in 2009 and suspended in 2012.

Matthew A. Marino - Disbarred on May 16, 2014 (217 *N.J.* 351) following his conviction in the United States District Court for the Southern District of New York, to one count of misprision of a felony, a violation of 18 U.S.C. § 4. Respondent’s conviction of criminal activity in association with the Bayou Fund, LLC, fraud established violations of *RPC* 8.4(b) (criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer) and 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and warranted disbarment. Hillary Horton represented the OAE on a Motion for Final Discipline and Paul B. Brickfield represented the respondent.

Scott J. Marum – Disbarred by consent on June 24, 2014 (217 *N.J.* 621) for knowingly misappropriating clients' trust funds. Christina Blunda Kennedy represented the OAE and respondent was *pro se*. The respondent was previously disciplined: Admonished in 1995 and 1997, reprimanded in 2007, and suspended for one year in 1999.

Cynthia A. Matheke – Admonished on July 15, 2014 (*Unreported*) for failure to keep a client informed about the progression of a medical malpractice matter. Peter A. Gaudio appeared before the DRB for District VC and respondent's counsel Kevin J. O'Connor waived appearance.

Martin J. Milita, Jr. - Censured on February 12, 2014 (217 *N.J.* 19) following a road rage incident that resulted in respondent's guilty plea in New Jersey Superior Court to one count of disorderly persons hindering apprehension by providing false information to a law enforcement official, in violation of N.J.S.A. 2C:29-3b(4), and two counts of petty disorderly persons harassment, in violation of N.J.S.A. 2C:33-4(c). Missy Urban represented the OAE on a motion for final discipline and Scott B. Piekarsky represented respondent.

Clifford J. Minor - Disbarred by consent on March 27, 2014 (217 *N.J.* 219) following his criminal conviction in United States District Court of the District of New Jersey for conspiracy to violate the travel act, in violation of 18 U.S.C. § 371; use of an interstate facility to facilitate bribery, in violation of 18 U.S.C. § 1952(a)(3)-(5); obstructing an official proceeding, in violation of 18 U.S.C. § 1512(c)(2); falsification of records, in violation of 18 U.S.C. § 1519; perjury, in violation of 18 U.S.C. § 1621(1); and making false statements, in violation of 18 U.S.C. § 1001(a)(2). Hillary Horton represented the OAE before the Supreme Court and Thomas R. Ashley represented the respondent.

Wanda Molina – Suspended for six months on January 31, 2014 (216 *N.J.* 551) effective February 28, 2014, following her guilty plea in the Superior Court of New Jersey to third-degree tampering with public records and fourth-degree falsifying records. Jason D. Saunders appeared on behalf of the OAE and Marc D. Garfinkle represented the respondent on a Motion for Final Discipline.

Philip J. Morin, III - Reprimanded by consent on July 11, 2015 (218 *N.J.* 163) for violating RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to communicate with the client), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Nancy E. Saccente represented District IIA and Robert J. DeGroot represented the respondent on the Motion for Discipline by Consent before the DRB.

Benjamin Morton – Suspended for three months effective January 6, 2015 (220 *N.J.* 102) for failure to communicate with a client, engaging in a prohibited business transaction with a client, recordkeeping violations, and conduct prejudicial to the administration of justice. The record in this matter is subject to a Protective Order. Melissa A. Czartoryski appeared before the DRB for the OAE and Donald B. Liberman appeared for respondent.

Keith O. Moses – Suspended for three months, effective February 7, 2014, (216 *N.J.* 432) for knowingly disobeying court orders in a case in which he was a party defendant and acting as his own attorney, conduct which both derailed and delayed the proceedings. Melissa A. Czartoryski appeared before the DRB and the Court for the OAE and respondent was *pro se*. The respondent was previously disciplined: Admonished in 2002, reprimanded in 2011 and in 2012.

Erik Mueller a/k/a Erik W. Mueller – Suspended for three years on July 3, 2014 (218 *N.J.* 3), with suspension retroactive to June 24, 2011, the date of respondent's temporary suspension for his guilty plea to conspiracy to commit wire fraud in violation of 18 U.S.C. § 1349. HoeChin Kim appeared before the Supreme Court for the OAE and Matthew S. Marrone appeared for respondent.

Kendall S. Murphy - Admonished on November 24, 2014 (*Unreported*) for lacking diligence and failing to adequately communicate with a client who had retained respondent to obtain the expungement of several criminal convictions. Elizabeth A. Smith represented District VII before the DRB and Joseph L. Mooney, III represented the respondent.

Thomas L. Murphy - Disbarred by consent on February 6, 2014 (216 *N.J.* 595) for having knowingly made false statements of material fact to a tribunal, and others, executing and submitting to tribunals false certifications, which caused a number of tax appeals to be denied, and commission of misconduct prejudicial to the administration of justice. Rona Kaplan represented the OAE and Steven Kudatzky represented respondent.

Andrew K. Murray – Reprimanded on December 5, 2014 (220 *N.J.* 47) following a stipulation of discipline by consent in which respondent admitted not reconciling his trust account, having inactive balances on his trust account ledgers, and other recordkeeping violations. Michael J. Sweeney represented the OAE and respondent was *pro se*. This matter was discovered solely as a result of the Random Audit Compliance Program. The respondent was previously disciplined: Admonished in 2011.

Felix Nihamin - Suspended for three months effective July 17, 2014 (217 *N.J.* 616) following his third-degree misapplication of entrusted property conviction, in violation of N.J.S.A. 2C:21-15. Respondent made false statements of material fact on HUD-1 settlement statements knowing that lenders would rely on the inaccurate information when funding mortgages and disbursing funds. Hillary Horton represented the OAE in the Supreme Court on a Motion for Final Discipline and Jason J. Oliveri represented respondent. The respondent was previously disciplined: Admonished in 2010.

Chris C. Olewuenyi – Suspended for two years on February 7, 2014 (216 *N.J.* 576) following his guilty plea in United States District Court for the District of New Jersey to one count of conspiracy to defraud the United States, in violation of 18 U.S.C. § 371; and his guilty plea in New Jersey Superior Court to one count of conspiracy to promote or facilitate the crime of identity theft, in violation of N.J.S.A. 2C:5-2 and N.J.S.A. 2C:21-17. Hillary Horton represented the OAE before the Supreme Court and respondent was *pro se*.

Dale S. Orlovsky - Suspended for two years on December 12, 2014, effective May 11, 2012 (220 ___ *N.J.* 106) following his conviction in the United States District Court for the District of New Jersey to conspiracy to defraud the United States by conspiring to conceal income from the IRS, contrary to 18 U.S.C. § 371. Respondent conspired to hide cash income at a restaurant/bar in which he was a 50% partner. Hillary Horton represented the OAE on a Motion for Final Discipline and Joseph P. La Sala represented respondent.

Marc Z. Palfy - Censured on a certified record on November 20, 2014 (220 *N.J.* 32) for violating *RPC* 1.15(d) (recordkeeping) and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Respondent was also ordered to remain temporarily suspended until he complied with fee arbitration requirements. Missy Urban represented the OAE before the DRB and respondent defaulted.

Deborah C. Peck – Disbarred by consent on December 5, 2014, (220 *N.J.* 46) for the knowing misappropriation of trust funds. Jason D. Saunders represented the OAE and Michael P. Ambrosio represented the respondent.

Duane T. Phillips - Suspended for three months on two certified records on February 12, 2014 (216 *N.J.* 584) for violating *RPC* 1.3 (lack diligence), *RPC* 5.5(a) (practicing law while suspended), and *RPC* 8.1(b) (failure to comply with a lawful demand for information from a disciplinary authority). HoeChin Kim represented the OAE and respondent was *pro se*. The respondent was previously

disciplined: Admonished in 2010; censured in 2011 and 2013.

Cheryl H. Picker – Reprimanded by consent on July 8, 2014 (218 *N.J.* 388) for violating *RPC* 1.15(a) (deposit of personal funds in the trust account) and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Christina Blunda Kennedy appeared before the DRB for the OAE and Scott Piekarsky represented respondent. The respondent was previously disciplined: suspended for three months in 2013.

Justin A. Pinck – Suspended for three months effective August 16, 2014 (218 *N.J.* 267) for misconduct which occurred before and during the sale of law practice. Respondent failed to timely notify 130 clients of the proposed sale and failed to ensure that the purchasing attorney published a notice of sale. In nine client matters, respondent engaged in gross neglect, a pattern of neglect, and lack of diligence. In seven of those matters, he failed to adequately communicate with the clients. Respondent also misrepresented the status of the case in three of the matters and failed to return files and unearned fees or costs in twenty-eight of the client matters transferred under the terms of the sale. Michael J. Sweeney represented the OAE on the Motion for Discipline by Consent and the respondent appeared *pro se*.

Lawrence R. Pinck – Suspended for three months effective August 16, 2014 (218 *N.J.* 264) for misconduct which occurred before and during the sale of law practice. Respondent failed to timely notify 130 clients of the proposed sale and failed to ensure that the purchasing attorney published a notice of sale. In eight client matters, the respondent engaged in a combination of gross neglect, a pattern of neglect, lack of diligence, and failure to communicate with clients. Respondent also failed to return files and unearned fees or costs in twenty-eight of the client matters. Michael J. Sweeney represented the OAE on the Motion for Discipline by Consent and the respondent appeared *pro se*.

Jeffrey R. Pocaro - Suspended for three months on September 24, 2014, effective October 23, 2014 (219 *N.J.* 320) for violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with a client), *RPC* 1.5(b) (failure to provide client with a writing setting forth the basis or rate of the fee), *RPC* 3.2 (failure to expedite litigation), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice) in connection with mishandling a lawsuit alleging that serious injuries to a show horse were sustained due to negligence while the horse was in dressage training. Glen J. Vida represented District XII and respondent was *pro se*. The

respondent was previously disciplined: Suspended for one-year in 1995; censured in 2006; and censured in 2013.

Harold J. Poltrock - Admonished on January 23, 2014 (*Unreported*) for recordkeeping violations, including a \$11,406.27 shortfall, a failure to conduct monthly three-way reconciliations, and a failure to maintain proper client ledger cards. Christina Blunda Kennedy represented the OAE and respondent was *pro se*. This matter was discovered as a result of the Random Audit Compliance Program.

Alan S. Porwich – Admonished on October 29, 2014 (220 *N.J.* 24) for violating *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Anabela DaCruz-Melo appeared for District XII before the DRB and Gerald D. Miller represented the respondent. The respondent was previously disciplined: Reprimanded in 1999 and censured in 2011.

Wayne Powell – Censured on September 5, 2014 (219 *N.J.* 128) for actions while suspended from the practice of law that were found to constitute violations of *RPC* 8.1 (b) (failure to cooperate with disciplinary authorities) and *RPC* 8.4 (d) (conduct prejudicial to the administration of justice). Maureen G. Bauman represented the OAE before the DRB and Carl Poplar represented respondent. The respondent was previously disciplined: Reprimanded in 1995, 1997, and 2010; suspended for three months in 2011; and censured in 2013.

Samuel Rak - Disbarred on April 9, 2014 (217 *N.J.* 278) for showing repeated disrespect for the disciplinary system by defaulting in five disciplinary complaints from 2010 to 2014, practicing law while suspended, making misrepresentations to clients, and mishandling three bankruptcy matters. Melissa A. Czartoryski represented the OAE before the Supreme Court and respondent was *pro se*. The respondent was previously disciplined: Reprimanded in 2010 and suspended for three month terms in 2011 and 2013.

Michael L. Resnick - Reprimanded on October 14, 2014, (219 *N.J.* 620) for violating *RPC* 1.7(a)(2) (conflict of interest), *RPC* 1.16(d) (failure to protect a client's interests on termination of the representation), *RPC* 3.5(b) (*ex parte* communication with a judge), and *RPC* 8.4(a) (violation of the Rules of Professional Conduct). Respondent engaged in a romantic and sexual relationship with his client which soured during the course of the representation leading respondent to seek *ex parte* advice from the Presiding Family-Part Judge in the county where the client's divorce action was pending. Colleen Cunningham represented District XA and Gerard Hanlon represented respondent. The respondent was previously disciplined: Reprimanded in 1998.

Bruce H.E. Roesler - Admonished by consent on January 21, 2014 (*Unreported*) for recordkeeping deficiencies and failing to reconcile his attorney accounts, resulting in the negligent misappropriation of client funds. Jason D. Saunders represented the OAE before the Disciplinary Review Board and respondent appeared *pro se*. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Felicia B. Russell – Censured on September 5, 2014 (219 *N.J.* 130) for combined misconduct in two matters, including violating *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). Claire Scully and Anthony T. Betta represented District IX before the DRB and Marc D. Garfinkle represented respondent. The respondent was previously disciplined: Admonished in 2009 and reprimanded in 2010.

Jonathan E. Sachar – Suspended for three months effective June 13, 2014 (217 *N.J.* 356) for his private conduct in a real estate matter where he was seeking a commercial loan. Respondent's conduct was deceitful and he made misrepresentations by failing to advise the parties involved about the true priority of liens on the property in question. William C. Cagney appeared before the DRB for District I. Respondent waived appearance for oral argument.

Gerald M. Saluti - Suspended for three months effective February 28, 2014 (216 *N.J.* 549) for misconduct in relation to his representation of a criminal defendant that included violations of *RPC* 1.5(b) (failing to provide client with a writing setting forth the basis or rate of the fee), *RPC* 3.3(a)(5) (failing to disclose to a tribunal a material fact knowing that its omission is reasonably certain to mislead the tribunal), *RPC* 7.1(a)(1) and (2) (making false or misleading communication about the lawyer's services that is likely to create an unjustified expectation about the results the lawyer can achieve), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), *RPC* 8.4(a) (violating or attempting to violate the *RPC*s), *RPC* 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and *RPC* 8.4(d) (engaging in conduct prejudicial to the administration of justice). John Michael Deitch represented District VA before the DRB and Thomas P. Scrivo represented the respondent. The respondent was previously disciplined: Admonished in 2007, admonished in 2012, and reprimanded in 2013.

Otto J. Scerbo - Disbarred by consent on September 24, 2014 (219 *N.J.* 318) for knowing misappropriation of client funds. Missy Urban represented the OAE and Michael P. Korbanicks represented the respondent.

Howard P. Schiff – Reprimanded on May 29, 2014 (217 *N.J.* 524) for making a false statement of fact or law to a tribunal, and for conduct involving dishonesty, fraud, deceit, or misrepresentation (filing inaccurate certifications of proof in connection with default judgments). Respondent failed to supervise non-lawyer employees (firm’s staff prepared signed, but undated, certifications of proof in anticipation of defaults, and at respondent’s direction would complete the certification, add factual information, and stamp the date after the certification had been signed). Respondent, through the acts of another, violated the *Rules of Professional Conduct* (respondent knew of and endorsed the practice of changing certifications). Patrick Accisano represented District IX and Roger Plawker represented on a Motion for Discipline by Consent granted by the DRB.

Stephen Schnitzer - Admonished on March 26, 2014 (*Unreported*) for recordkeeping deficiencies and commingling, in violation of *RPC* 1.15(a) and *RPC* 1.15(d). HoeChin Kim represented the OAE in a Disciplinary Stipulation before the DRB and respondent was *pro se*. This matter was discovered solely as a result of the Random Audit Compliance Program.

Scott P. Sigman – Suspended for thirty months on December 18, 2014, effective January 16, 2015 (220 *N.J.* 141) on a Motion for Reciprocal Discipline from a disciplinary proceeding in the Commonwealth of Pennsylvania for diverting referral fees and legal fees that were owed to his firm, and devoting them to his personal use. Jason D. Saunders appeared before the Supreme Court for the OAE and Kenneth Aita represented the respondent.

Goldie C. Sommer - Suspended for one year on May 16, 2014 (217 *N.J.* 359), effective May 22, 2013, following her conviction in the United States District Court, District of New Jersey, to one count of conspiracy to structure transactions to evade a reporting requirement, in violation of 31 U.S.C. §5324(a)(3) and 5234(d)(1) and 18 U.S.C. § 371. Respondent’s conviction for unlawfully structuring \$354,000 to assist a client hide funds from his wife during a divorce action established a violation of *RPC* 8.4(b) (criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer). Hillary Horton represented the OAE on a Motion for Final Discipline and Jack D. Arseneault represented respondent.

Geoffrey L. Steiert – Suspended for six months on December 10, 2014 (220 *N.J.* 103) for violating *RPC* 8.4(c) and *RPC* 8.4(d) by trying to convince his former client/grievant to lie and change his testimony regarding respondent’s representation of him as a means to obviate his prior discipline. Daniel Q. Harrington appeared before

the DRB for District IV and respondent appeared *pro se*. The respondent was previously disciplined: Reprimanded in 2010.

Jared E. Stolz – Suspended for three months effective October 3, 2014 (219 *N.J.* 123) for violating *RPC* 3.2 (failing to treat with courtesy and consideration all persons involved in the legal process); *RPC* 3.3(a)(1) (knowingly making a false statement of material fact or law to a tribunal), *RPC* 3.3(a)(5) (failing to disclose to the tribunal a material fact knowing that the omission is reasonably certain to mislead the tribunal); *RPC* 4.1(a) (in representing a client, knowingly making a false statement of material fact or law to a third person), *RPC* 8.4(a) (violating or attempting to violate the *RPCs*); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Timothy P. McKeown represented District XIII before the DRB and Jason D. Saunders represented the OAE in the Supreme Court. Respondent was initially represented by Lee Gronikowski and then proceeded *pro se*.

Soon-Mee Suh – Disbarred by consent on October 29, 2014 (220 *N.J.* 21) for the knowing misappropriation of client/escrow funds. Melissa A. Czartoryski represented the OAE and Catherine M. Brown represented respondent.

Herbert J. Tan - Reprimanded on March 14, 2014 (217 *N.J.* 149) for failing to keep his client, a corrections officer at Hudson County Correctional Facility, reasonably informed about the status of her legal matters. Susan M. Singer represented District VA before the DRB and respondent was *pro se*. Respondent was previously disciplined: Reprimanded in 2006; reprimanded in 2010; and censured in 2011.

Mitchel Tarter – Suspended for three months on January 16, 2014 (216 *N.J.* 425) for gross neglect, exhibiting a pattern of neglect, lack of diligence, and failing to withdraw from representation. Prior to reinstatement respondent is required to demonstrate his fitness to practice as attested to by an OAE-approved mental health professional. Ellen Schwartz appeared before the DRB for the District VIII and respondent failed to appear.

Ronald B. Thompson – Censured on September 3, 2014 (219 *N.J.* 127) for failure to keep a client adequately informed about important events in her case and for lacking diligence in the handling of the case, resulting in its dismissal. Michael O. Kassak appeared before the DRB for District IIIB and Paul Ferrell, Jr. appeared for respondent. Respondent was previously disciplined: Censured in 2011.

John E. Tiffany – Disbarred on May 28, 2014 (217 *N.J.* 519) for numerous violations of the *Rules of Professional Conduct* and *Court Rules* in three client matters that proceeded to a hearing, and in five other matters that proceed by default. HoeChin Kim represented the OAE and Andrew J. Cevasco represented respondent. The respondent was previously disciplined: Suspended for three months in 2013.

Kimberly S. Tyler - Reprimanded by consent on May 29, 2014 (217 *N.J.* 525) for failing to communicate with a client. Nicole Leonard represented District VA and respondent was *pro se* on a Motion for Discipline by Consent granted by the DRB. Respondent was previously disciplined: Reprimanded in 2011.

T. Thomas Van Dam – Disbarred by consent on October 23, 2014 (220 *N.J.* 5) for knowing misappropriation of client funds. Michael J. Sweeney represented the OAE and Raymond R. Wiss represented the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

Clifford L. Van Syoc – Suspended for six months on January 16, 2014, effective February 14, 2014, (216 *N.J.* 427) for failing to treat with courtesy and consideration all persons involved in the legal process; making a statement the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications of a judge; and engaging in conduct prejudicial to the administration of justice. Timothy J. McNamara appeared before the DRB for the OAE and Respondent was represented by Heidi R. Weintraub.

Efthemois D. Velahos – Censured on December 12, 2014 (220 *N.J.* 108) for his violations of *RPC* 5.4(b) (partnership with a non-lawyer in the practice of law), *RPC* 5.5(a)(1) (failure to maintain liability insurance while practicing as a limited liability company and practicing law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction), *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(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). William Nash appeared before the DRB for District IV and Teri S. Lodge waived appearance on behalf of respondent.

Brandon Walcott - Reprimanded on May 14, 2014 (217 *N.J.* 367) for violating *RPC* 4.1(a) (knowingly making a false statement of material fact to a third-person) and *RPC* 8.4(c) (engage in conduct involving dishonesty, fraud, deceit or misrepresentation). Missy Urban represented the OAE and respondent was *pro se* on a stipulation of discipline by consent.

David L. Wecht – Reprimanded on June 19, 2014 (218 *N.J.* 388) for violating *RPC* 1.15(a) (negligent misappropriation) and *RPC* 1.15(d) (recordkeeping violations). Christina Blunda Kennedy appeared before the DRB for the OAE and respondent was *pro se*.

Benjamin C. Weiner – Reprimanded on March 11, 2014 (217 *N.J.* 146) for authoring pleadings in the course of a lawsuit which disparaged the honesty and integrity of judges who comprise the Pennsylvania judiciary, in reckless disregard for their truth or falsity in violation of *RPC* 8.2(a). Peter J. Gallagher appeared before the Disciplinary Review Board for District VC. Respondent appeared *pro se*.

Eric M. Winston – Reprimanded on October 1, 2014 (219 *N.J.* 428) for failing to file an appeals brief in an employment matter and misrepresenting to the client that the matter was proceeding normally. Respondent’s conduct equated to violations of *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Joseph C. Perconti represented District XI and respondent was represented by Paulette L. Pitt.

Matthew W. Woitkowski - Censured on September 9, 2014 (219 *N.J.* 181) for negligent misappropriation of funds caused by noncompliance with recordkeeping requirements and failure to keep sufficient funds in his IOLA trust account, recordkeeping violations, and conflict of interest caused by respondent permitting his real estate clients to utilize the title company that he owned for their title abstract and title insurance needs without sufficiently disclosing his personal interest in the company to his New York law clients. Hillary Horton represented the OAE on a Motion for Reciprocal Discipline before the DRB and Michael S. Ross represented respondent.

Lois Anne Wood - Disbarred by consent on August 7, 2014 (218 *N.J.* 526) for knowingly misappropriating client trust funds. Timothy J. McNamara represented the OAE before the Supreme Court and Lee A. Gronikowski represented the respondent. The respondent was previously disciplined: Admonished in 1997 and reprimanded in 2003.

Maria A. Yelland - Censured on October 30, 2014 (220 *N.J.* 26) for failing to return documents to a client in a bankruptcy matter; failing to keep an estate client adequately informed about the status of the matter; and for exhibiting gross negligence, lack of diligence, and failing to keep a bankruptcy client adequately informed about the status of her case. Respondent also failed to

cooperate with disciplinary authorities. Nikki J. Davis and Robert Fredrick Casey represented District VII and respondent was *pro se*.

V. OTHER RELATED ACTIONS

The attorney disciplinary system also handles a significant number of other related actions involving New Jersey attorneys. During 2014, a total of 107 such actions were undertaken, including: transfers to disability-inactive status; Bar Admission cases alleging cheating; 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 2014, a total of two (2) attorneys were the subject of a disability-inactive Order. This represents a decrease from 2013 when six (6) attorneys were so transferred. Prior years’ results were: 2012 – 2; 2011 – 4; and 2010 – 2. During this 5-year period, an average of 3.2 lawyers per year was placed into disability-inactive status.

B. BAR ADMISSIONS / CONTEMPT

1. *Bar Admissions*

Where a bar applicant is suspected of cheating on the state’s bar examination test, the Supreme Court assigns the matter to the OAE for investigation and, if warranted, prosecution. The OAE was assigned one such investigation in 2006. No such cases have been assigned since that time.

2. *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 2014.

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 Director, OAE. 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 a mistake 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 2014, a total of 51 requests for diversion were received by the OAE: none were declined. By the end of the year, 73 diversions were successfully completed and 27 were still pending from 2014 and prior years. Occasionally, some respondents agree to diversion and then fail to complete the agreed conditions. This year, two (2) respondents failed diversion. These matters were returned to the district committee for the filing of a formal complaint. In 2013, 92 diversions were approved (92 requests and no rejections). During the last five years, an average of 68 diversions was approved. The most common diversion offenses for 2014 were: money-commingling (9); gross neglect/lack of diligence/competence (7); and money – recordkeeping (5).

The most popular condition imposed in diversion cases required the attorney to complete the New Jersey State Bar Association's Ethics Diversionary Education Course (38). Other required conditions included: completion of a course in New Jersey Trust and Business Accounting (15); letters of apology (3); recordkeeping compliance reporting (2); prompt completion of underlying case responsibilities (1); and office procedure improvement (1). Last year, attendance at the Bar Association's Diversionary Course was also the primary remedial condition (84).

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 suspension period. *R. 1:20-21(b)*. The Supreme Court reinstated twelve (12) attorneys in 2014, which was the same as in 2013.

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, 2014, forty-two (42) 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.

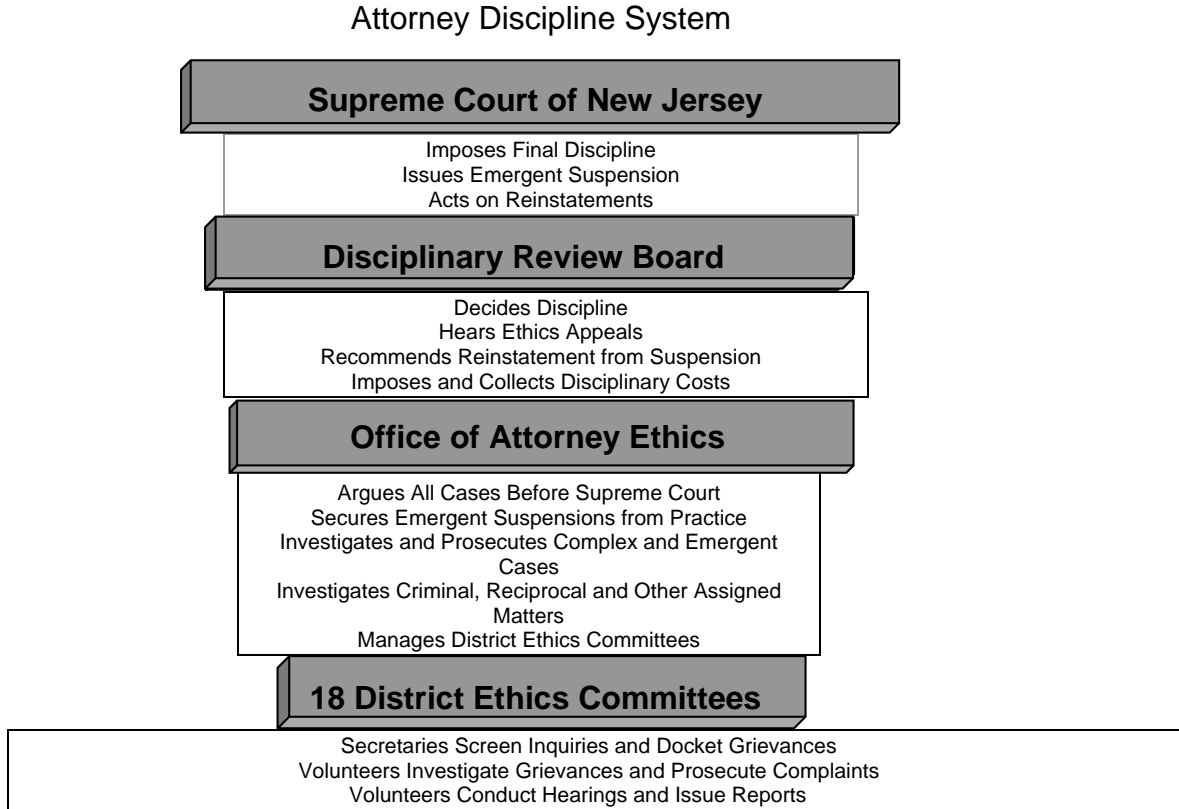


Figure 7

A. DISTRICT ETHICS COMMITTEES

The first level consists of 18 regionalized volunteer Ethics Committees, supervised and managed by the OAE. They are generally established along single or multiple county lines.

1. *Members and Officers of DEC's*

Ethics Committees consist of volunteer members who investigate, prosecute and decide disciplinary matters. As of September 1, 2014, there were 546 volunteers (453 attorneys and 93 public members) serving *pro bono* across the state. Each Ethics Committee consists of three officers: a chair, the chief executive officer responsible for all investigations; a vice chair, responsible for all cases in the hearing stage; and a secretary (an attorney). The Secretary is not considered a member of the Ethics Committee. Rather, he is the committee administrator. In that capacity, the Secretary receives and screens all inquiries and grievances. The secretary functions as the Ethics Committee'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. Although Secretaries, like members, serve on a voluntary basis, they receive an annual emolument to defray the expenses related to their duties.

2014-2015 District Ethics Committee Officers

CHAIR	VICE CHAIR	SECRETARY
District I - Atlantic, Cape May, Cumberland and Salem Counties		
Joseph A. Levin, Esq.	David S. DeWeese, Esq.	Jacqueline Hawkins Stiles, Esq.
District IIA – Bergen – North		
David M. Repetto, Esq.	Linda J. Schwager, Esq.	Nina C. Remson, Esq.
District IIB - Bergen County – South		
Salvador H. Sclafani, Esq.	Janet B. Lurie, Esq.	Nina C. Remson, Esq.
District IIIA - Ocean County		
Robert J. Ritacco, Esq.	Jerome Turnbach, Esq.	Steven Secare, Esq.
District IIIB - Burlington County		
James J. Morley, J.S.C. (Retired)	Swati M. Kothari, Esq.	Cynthia S. Earl, Esq.
District IV - Camden and Gloucester Counties		
William A. Nash, Esq.	Christopher L. Soriano, Esq.	John M. Palm, Esq.
District VA - Essex County – Newark		
Frank J. DeAngelis, Esq.	David M. Dugan, Esq.	Natalie S. Watson, Esq.
District VB - Essex County - Suburban Essex		
Louis D. Balk, Esq.	Kelly M. Mattheiss, Esq.	Paula I. Getty, Esq.
District VC - Essex County - West Essex		
Cheryl H. Burstein, Esq.	Martin Berg, Esq.	Jay M. Silberner, Esq.
District VI - Hudson County		
Alan Molina, Esq.	Ilene S. Miklos, Esq.	Jack Jay Wind, Esq.
District VII - Mercer County		
Jennifer Weisberg Millner, Esq.	Peter F. Kelly, Esq.	Alan G. Frank, Jr., Esq.
District VIII - Middlesex County		
Glynn J. Dwyer, Jr., Esq.	Willard C. Shih, Esq.	Maurice Jefferson, Esq.
District IX - Monmouth County		
Bunce D. Atkinson, Esq.	Mark B. Watson, Esq.	Joseph M. Casello, Esq.
District XA – East Morris and Sussex Counties		
Matthew P. O'Malley, Esq.	Helen E. Tuttle, Esq.	Caroline Record, Esq.
District XB – West Morris and Sussex Counties		
Moira E. Colquhoun, Esq.	Catherine Riordan, Esq.	Caroline Record, Esq.
District XI - Passaic County		
Linda Couso Puccio, Esq.	Deborah Jean Massaro, Esq.	Michael Pasquale, Esq.
District XII - Union County		
Susan B. McCrea, Esq.	Michael Margello, Esq.	Michael F. Brandman, Esq.
District XIII - Hunterdon, Somerset and Warren Counties		
Amy Z. Shimalla, Esq.	Timothy P. McKeown, Esq.	Donna P. Legband, Esq.

Figure 8

2. *Investigations*

Attorney members are assigned to investigate and, if necessary, prosecute grievances docketed with an Ethics Committee.

3. *Complaints*

Formal complaints are filed only where the 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 district ethics committee decide cases after formal complaints have been filed.

5. *Office of Attorney Ethics*

The OAE is responsible for overseeing the operations of all Ethics Committees. The OAE also 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, however there is currently a vacancy for an attorney member: Four are lawyers (Chair Bonnie C. Frost, Esq., Vice Chair Edna Y. Baugh, 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. Discipline matters recommending reprimand, censure, suspension or disbarment are routinely scheduled for oral argument. The respondent may appear in person 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.

OAE ethics counsel appeared before the Review Board during 2014 to argue a total of 37 separate matters. The Review Board’s review is *de novo* on the existing record and no testimony is taken.

C. SUPREME COURT OF NEW JERSEY

The Supreme Court of New Jersey is the third and highest level of the disciplinary system. Under the State Constitution, the Supreme Court of New Jersey has exclusive authority over the regulation of the practice of law. *N.J. Const.* art. VI, Section II, ¶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 a 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. The other members of the Supreme Court are Associate Justice Jaynee LaVecchia (appointed in 2000; tenured in 2007); Associate Justice Barry T. Albin (appointed in 2002; tenured in 2009); Associate Justice Anne M. Patterson (appointed in 2012); Justice Faustino J. Fernandez-Vina (appointed in 2014) and Justice Lee Solomon (appointed in 2014). There is currently one (1) vacancy on the Supreme Court, temporarily filled by Appellate Division Judge Mary Catherine Cuff.

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 of the Review Board becomes final on the entry of a confirmatory order by the Supreme Court, unless it 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 2014, OAE ethics counsel appeared a total of 31 times for oral argument in disciplinary cases. Arguments are televised in real time via streaming video technology over the Internet. Arguments can be accessed from the Judiciary's Website at www.njcourtsonline.com by clicking on the **WEBCAST** icon.

D. FINANCING ATTORNEY DISCIPLINE

1. *Annual Attorney Registration Fee*

The attorney disciplinary system in New Jersey is funded exclusively from the Supreme Court's annual mandatory registration assessment on lawyers. No taxpayers' monies are 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 2014, 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, 2014, survey prepared by the OAE for the National Organization of Bar Counsel, Inc., showed that New Jersey ranked 6th in attorney size (with 93,757 attorneys) out of 51 United States jurisdictions. The survey also demonstrated that the Garden State ranked 41st (at \$212) in the amount of mandatory fees required to practice. For 2013, New Jersey ranked 5th in size and 43rd in mandatory annual fees charged.

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 2014 consisted of six attorneys (Michael K. Furey, Esq., Chair, Paris P. Eliades, Esq., Hon. Nesle Rodriguez, Maureen E. Kerns, Esq., Hon. Joel Rosen and Debra Stone, Esq.) and five public members (Mr. Anthony J. Guacci, Vice Chair, Mr. Alonzo Brandon, Jr., Mr. Richard Sackin, Mr. Luis J. Martinez and Mr. Spencer V. Wissinger, III) all of whom serve *pro bono*.

The annual disciplinary budget for calendar year 2014 was \$13,156,572. Fifty-eight percent (58%) was allocated to the OAE and 20% to the Review Board. The balance was apportioned as follows: District Ethics Committees (7%), Random Audit Program (7%), Attorney Registration Program (4%), District Fee Arbitration Committees (3%) and Oversight Committee (1%).

E. OFFICE OF ATTORNEY ETHICS

The Supreme Court created the OAE on October 19, 1983, as the investigative and prosecutorial arm of the Supreme Court in discharging its constitutional authority to supervise and discipline New Jersey attorneys. *N.J. Const.* art VI, Section II, ¶13.

The OAE has programmatic responsibility for 18 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 Program (RAP), which undertakes random audits of private law firm trust and business accounts to ensure that mandatory trust 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 for discipline consists of a legal assistant, 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 Barbara Galati.

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 Paula T. Granuzzo, 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 exception 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 a quarterly DEC Newsletter to educate members; issues Certificates of Appreciation to outgoing members; drafts press releases for incoming and outgoing

members; recommends policies necessary to secure goals set by the Supreme Court; and consults with the Director, OAE 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 may 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.

New Jersey's fee system requires 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.

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.

B. ADMINISTRATION

The OAE administers the district fee arbitration system, pursuant to the Rules of the New Jersey Supreme Court. Assistant Ethics Counsel Isabel McGinty is the OAE's Statewide Fee Arbitration Coordinator. The OAE Fee Arbitration Unit was staffed during 2014 by an administrative assistant, with clerical support. The OAE Fee Arbitration Unit oversees recruitment of volunteers for the 17 District Fee Arbitration Committees and 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, 2014, there were 347 members of district committees (241 attorneys and 106 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.

2014-2015 District Fee Committee Officers

Figure 9

CHAIR	VICE CHAIR	SECRETARY
District I - Atlantic, Cape May, Cumberland and Salem Counties		
Marian E. Haag, Esq.	Demetrica Todd-Hunter, Esq.	Michael A. Pirolli, Esq.
District IIA – Bergen – North		
Robert W. Gifford, Esq.	Matthew J. Smith, Esq.	Terrence J. Corrison, Esq.
District IIB - Bergen County – South		
Joshua T. Buckner, Esq.	Brian E. Shea, Esq.	Michael J. Sprague, Esq.
District IIIA - Ocean County		
Marianna C. Pontoriero, Esq.	Maryann Calvetto, Esq.	Lisa E. Halpern, Esq.
District IIIB - Burlington County		
Kathleen P. Stockton, Esq.	Andrew J. Luca, Esq.	Albert M. Afonso, Esq.
District IV - Camden and Gloucester Counties		
Patrick J. Madden, Esq.	William E. Haddix	Daniel McCormack, Esq.
District VA - Essex County – Newark		
Elizabeth A. Kenny, Esq.	Remi L. Spencer, Esq.	Jodi Rosenberg, Esq.
District VB - Essex County - Suburban Essex		
Peter A. Greene, Esq.	Laurie Ann Bernstein, Esq.	Harvey S. Grossman, Esq.
District VC - Essex County - West Essex		
Andrew D. Borg, Esq.	JoAnne J. Giger, Esq.	Peter J. Kurshan, Esq.
District VI - Hudson County		
Cataldo F. Fazio, Esq.	Eloisa V. Castillo, Esq.	Marvin R. Walden, Jr., Esq.
District VII - Mercer County		
Raymond C. Staub, Esq.	Jonathan Preziosi, Esq.	Patricia M. Graham, Esq.
District VIII - Middlesex County		
Deborah A. Rose, Esq.	Jay Holub, Esq.	William P. Isele, Esq.
District IX - Monmouth County		
Michael A. Irene, Jr., Esq.	Michael J. Wenning, Esq.	Robert J. Saxton, Esq.
District X - Morris and Sussex Counties		
Allen P. Langjahr, Esq.	Christopher M. DiMuro, Esq.	Patricia L. Veres, Esq.
District XI - Passaic County		
John J. Piserchia, Esq.	Laurie M. Fiedler, Esq.	Jane E. Salomon, Esq.
District XII - Union County		
Lisa M. Black, Esq.	Marianne Zembryski, Esq.	Carol A. Jeney, Esq.
District XIII - Hunterdon, Somerset and Warren Counties		
William P. Robertson, Esq.	Marc J. Friedman, 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.

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 since the last date on which services were rendered, 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 at least 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 relevancy and materiality. No stenographic or other transcript of the proceedings is maintained. The burden of proof in fee matters is on the attorney to prove, by a preponderance of the evidence, that the fee charged is reasonable.

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 2014, Fee Committees handled a total of 1,795 matters, including new cases filed and those that reached a disposition during that year. The committees began the year with 601 cases pending from 2013. During the year, 1,194 new matters were added. **Figure 10.** A total of 1,160 cases were disposed of, leaving a balance of 635 matters pending at year’s end. At the conclusion of 2014, the average number of cases pending before each of the 17 Fee Committees was 37.4 cases per district, but that number includes all matters, even those filed in late December.

he 1,194 new filings received in 2014 involved claims against roughly 1.4% of the active New Jersey attorney population (73,697). Some areas of practice (matrimonial, in particular) involve high billings for legal fees, following protracted litigation which may involve years of billings. Many such cases are filed as fee arbitration disputes per year.

Changes in Fee Disputes

Year	Filings	Change	Overall
2014	1,194	13.8%	6.2%
2013	1,049	17.2%	
2012	895	-2.9%	
2011	922	-18%	
2010	1,124	--	

Figure 10

For a more nuanced view of what these numbers may indicate, the number of fee arbitration cases filed with the district committees each year (1,194 in 2014) 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. 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 2014, District Fee Committees arbitrated matters involving a total of more than \$13.1 million in legal fees this year, which represents a 16% increase from the \$11.3 million in legal fees handled during 2013. 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 602 hearings during 2014, involving more than \$13.1 million in total attorneys’ fees charged. In 35% of the

cases (211 hearings), the hearing panels upheld the attorney fees in full. In the balance of 65% of the fee cases (378 hearings), the hearing panels reduced the attorney fees by a total of \$1.9 million, which represents 24% of the total billings subject to reduction (\$1.9 million out of the total of \$7.9 million subject to reduction).

For an overview of the amounts at issues, the 378 cases in which the attorney fee was reduced by the hearing panel may be broken into the following categories:

- \$0 to \$1,000 – 99 cases
- \$1,001 to \$2,000 – 70 cases
- \$2,001 to \$5,000 – 113 cases
- \$5,000 to \$10,000 – 57 cases
- \$10,001 to \$20,000 – 25 cases
- \$20,001 to \$50,000 – 11 cases
- Over \$50,000 – 3 cases

For *all* cases which proceeded to a hearing with an Arbitration Determination issued by the hearing panel, the average amount billed was \$20,125. The median amount billed was \$8,809. The average amount of the reductions in all cases which proceeded to an Arbitration Determination was \$5,037, with a median reduction amount of \$2,428.

It should be noted that the parties reached settlement without a hearing in an additional 233 cases, including 3 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 nearly \$1,000,000 in attorney fees. The attorneys agreed to a reduction in fees without going to a hearing in 144 of those cases (61.8% 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, particularly when new attorneys have been appointed to the position of district secretary in some of the districts with the largest caseloads in the State. 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 1,160 cases which proceeded from file-opening to case-closing in calendar year 2014, more than 71% reached disposition in fewer than 180 days (834 out of 1,160 total cases). The Fee Committees resolved 216 more cases in that interval than during the preceding calendar year, when only 615 cases out of a total caseload of 1,017 were resolved in under 180 days. The data for 2014 shows that the Fee Committees handled more cases overall (and resolved those cases on a faster-paced schedule) than during the preceding calendar year. Three-hundred and fifty four (354) of the total cases resolved during 2014 were resolved within 60 days of filing. For 2013, only 150 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 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 (36%) on average. Criminal matters (including indictable, quasi-criminal and municipal court cases) ranked second in frequency (14%). Third place was filled by General Litigation at 11.5%. Real Estate and Contract matters closely follow, in that order, at roughly 5% each. 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 5 years. The attorney receives from the OAE a warning letter, if the attorney does not pay 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 roughly five 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 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 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 (8) 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 \$3 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 thirty-three years after RAP first began, the conclusion is that the overwhelming majority of private New Jersey law firms (98.6%) account for clients' funds honestly and without incident. While technical accounting deficiencies are found and corrected, the fact is that only 1.4% of the audits conducted over that period have found serious ethical violations, such as misappropriation of clients' trust funds. Since law firms are selected randomly for audit on a statewide basis, the selections and, therefore, the results are representative of the handling of trust monies by private practice firms. These results should give the public and the Bar great trust and confidence in the honesty of lawyers and their ability to handle monies entrusted to their care faithfully.

2. *Auditing Objectives*

The central objectives of the Random Audit 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. The staff is managed by Chief Auditor Robert J. Prihoda, Esq., C.P.A., who joined the OAE in 1981. Other staff include Assistant Chief Auditor Mary E. Waldman, who is a Certified Fraud Examiner; two Senior Random Auditors: Mimi Lakind, Esq. and Karen J. Hagerman, a Certified Fraud Examiner; and Random Auditor Tiffany Keefer.

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 46 years. It is the uniform accounting standard for all audits. This Rule, which incorporates generally accepted accounting principles, 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. A certification of corrections 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 administratively. 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

All lawyers receive an annual attorney registration statement requiring private practitioners to list their primary trust and business accounts and to certify compliance with the recordkeeping requirements of *R.1:21-6*, a reproduction of which is included with the mailing. The Random Audit Program also publishes a brochure entitled *New Jersey Attorney's Guide to the Random Audit Program*. Since 1996, that brochure is sent to all law firms with the initial random 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 eight (8) attorneys detected solely by RAP were finally disciplined by the Supreme Court (Figure 11).

2014 RAP Sanctions				
Attorney	County	Sanction	Citation	Violation
Leonard H. Adoff	Bergen	Disbarment by Consent	219 N.J. 621	Knowing Misappropriation
David G. Christoffersen	Mercer	Reprimand	220 N.J. 1	Negligent Misappropriation
Robert J. Conurso, Jr.	Ocean	Disbarment by Consent	219 N.J. 122	Knowing Misappropriation
David P. Daniels	Camden	Censure	217 N.J. 150	Negligent Misappropriation
Samuel M. Manigault	Union	Admonition	Unreported	Recordkeeping
Harold J. Poltrock	Essex	Admonition	Unreported	Commingling
Stephen Schnitzer	Essex	Admonition	Unreported	Commingling
T.T. Van Dam	Bergen	Disbarment by Consent	220 N.J. 5	Knowing Misappropriation

Figure 11

During the thirty-three years of RAP's operation, serious financial misconduct by 177 attorneys was detected solely as a result of being randomly selected for audit. These attorneys received the following discipline: 85 attorneys were disbarred; 16 were suspended for periods of three months to two years; 9 were censured; 46 were reprimanded; and 21 received admonitions. The vast majority of the matters detected were very serious disciplinary cases that resulted in disbarment or suspension. Disbarred (85) and suspended (16) attorneys account for almost six in ten of all attorneys disciplined attorneys as a result of RAP's efforts (57%). However, discipline alone does not adequately emphasize the full importance of RAP's role over the past 33 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 disciplined these attorneys when it did. Moreover, deterrence is acknowledged to be a factor 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 2014, there were a total of 95,807 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 2.59% in 2014. With a general population of 8,938,175, there is now one lawyer for every 93 Garden State citizens.

According to a July 1, 2014 survey compiled by the OAE for the National Organization of Bar Counsel, Inc., a total of 1,961,474 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 4.78% 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
2005	77,434
2010	87,639
2011	89,673
2012	91,387
2013	93,757
2014	95,807

Figure 12

B. ADMISSIONS

As of December 31, 2014, the attorney registration database counted a total of 97,591¹ New Jersey-admitted attorneys. Fifty-three percent (53%) were admitted since 1996 and 25.3% were admitted between 1986-1995. The other twenty-two percent (21.7%) were admitted in 1985 or earlier.

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

Breakdowns by periods are: 1950 and earlier - 208 (.21%); 1951-1960 - 899 (.92%); 1961-1970 – 2,959 (3.03%); 1971-1980 - 9,215 (9.44%); 1981-1990 - 19,549 (20%); 1991-2000 – 25,010 (25.6%); and 2001-2014 – 39,751 (40.7%).

YEAR ADMITTED		
Year	Number	Percent
<1950	208	0.21%
1951-1955	330	0.34%
1956-1960	569	0.58%
1961-1965	966	0.99%
1966-1970	1,993	2.04%
1971-1975	4,156	4.26%
1976-1980	5,059	5.18%
1981-1985	7,918	8.11%
1986-1990	11,631	11.92%
1991-1995	13,045	13.37%
1996-2000	11,965	12.26%
2001-2005	11,973	12.27%
2006-2010	14,813	15.18%
2010-2013	12,965	13.29%
Totals	97,591	100.00%

Figure 13

C. ATTORNEY AGE

Of the 97,591 attorneys for whom some registration information was available, 97,169 (99.6%) provided their date of birth. A total of 422 attorneys (.4%) 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 close to twenty-five percent (24.5% or 23,797). The 40-49 year category comprised 24.2% or 23,513 lawyers. Almost twenty-two percent (21.6% or 20,948) were between the ages of 50-59. The fewest numbers of attorneys were in the following age groupings: 29 and under (8.7% or 8,444), 60-69 (14% or 13,682) and 70 and older (7% or 6,785). **(Figure 14)**

AGE GROUPS		
Age	Number	Percent
< 25	102	0.10%
25-29	8,342	8.59%
30-34	12,506	12.87%
35-39	11,291	11.62%
40-44	11,095	11.42%
45-49	12,418	12.78%
50-54	11,276	11.60%
55-59	9,672	9.95%
60-64	7,678	7.90%
65-69	6,004	6.18%
70-74	3,405	3.50%
75-80	1,536	1.58%
> 80	1,844	1.90%
Totals	97,169	100.00%

Figure 14

D. OTHER ADMISSIONS

Close to seventy-seven percent (76.7%) of the 97,591 attorneys for whom some registration information was available were admitted to other jurisdictions. Twenty-three percent (23.3%) of all attorneys were admitted only in New Jersey.

OTHER ADMISSIONS		
Admissions	Attorneys	Percent
Only In New Jersey	22,540	23.27%
Additional Jurisdictions	74,330	76.73%
Totals	96,870	100.00%

Figure 15

ADMISSIONS IN OTHER JURISDICTIONS

Jurisdiction	Admissions	Percent	Jurisdiction	Admissions	Percent
New York	41,859	43.21%	Nevada	107	0.11%
Pennsylvania	25,210	26.02%	West Virginia	98	0.10%
District of Col.	6,724	6.94%	South Carolina	91	0.09%
Florida	3,305	3.41%	Kentucky	87	0.09%
California	1,813	1.87%	Vermont	84	0.09%
Connecticut	1,573	1.62%	Rhode Island	79	0.08%
Massachusetts	1,421	1.47%	Oregon	75	0.08%
Maryland	1,195	1.23%	New Mexico	73	0.08%
Delaware	767	0.79%	Hawaii	71	0.07%
Virginia	714	0.74%	Alabama	57	0.06%
Illinois	691	0.71%	Virgin Islands	53	0.05%
Texas	554	0.57%	Kansas	45	0.05%
Georgia	510	0.53%	Iowa	44	0.05%
Colorado	455	0.47%	Oklahoma	39	0.04%
Ohio	420	0.43%	Puerto Rico	32	0.03%
North Carolina	330	0.34%	Utah	29	0.03%
Arizona	278	0.29%	Arkansas	28	0.03%
Michigan	272	0.28%	Mississippi	28	0.03%
Minnesota	174	0.18%	Alaska	27	0.03%
Missouri	165	0.17%	Montana	25	0.03%
Washington	156	0.16%	Idaho	17	0.02%
Wisconsin	134	0.14%	North Dakota	12	0.01%
Tennessee	131	0.14%	South Dakota	8	0.01%
Louisiana	128	0.13%	Guam	3	0.00%
Maine	117	0.12%	Nebraska	0	0.00%
Indiana	112	0.12%	Wyoming	0	0.00%
New Hampshire	111	0.11%	Unidentified	6,339	6.55%
			Total Admissions	96,870	100.00%

Figure 16

E. PRIVATE PRACTICE

Of the 97,591 attorneys on whom registration information was tabulated, 37,304 stated that they engaged in the private practice of New Jersey law, either from offices within New Jersey or at locations elsewhere. For a detailed breakdown of the locations of offices (primarily New Jersey, Pennsylvania, New York and Delaware), see **Figure 17**. Thirty-eight percent (38.2%) of the attorneys engaged in the private practice of New Jersey law, while sixty-two percent (61.8%) did not practice in the private sector.

Of those who engaged in the private practice of New Jersey law, almost sixty percent (59.2%) practiced full-time, twenty percent (19.7%) rendered legal advice part-time and eighteen percent (18.1%) engaged in practice occasionally (defined as less than 5% of their time). Three percent (3%) of responses were unspecified.

Private Practice of New Jersey Law

Response	Number	Percent
NO	60,287	61.78%
YES	37,304	38.22%
Full-time	22,070	
Part-time	7,363	
Occasionally	6,753	
Unspecified	1,118	
Total	97,591	100%

Figure 17

1. *Private Practice Firm Structure*

Of the 37,304 attorneys who indicated they were engaged in the private practice of New Jersey law, 96.7% (36,062) provided information on the structure of their practice. Close to thirty-three percent (32.8%) of the responding attorneys practiced in sole proprietorships (sole practitioners (10,697) plus sole stockholders (1,133)). The next largest group was associates at 28.7% (10,364), partners at 28.3% (10,203), followed by attorneys who were of counsel with 6.5% (2,355) and other than sole stockholders with 3.6% (1,310).

Private Firm Structure

Structure	Number	Percent
Sole Practitioner	10,697	29.66%
Sole Stockholder	1,133	3.14%
Other Stockholders	1,310	3.63%
Associate	10,364	28.74%
Partner	10,203	28.29%
Of Counsel	2,355	6.53%
Total	36,062	100.00%

Figure 18

2. *Private Practice Firm Size*

More than ninety-five percent (95.7%, or 35,697) 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. Almost one-third (31.9%, or 11,397) said they practiced alone; 9.5% (3,406) worked in two-person law firms; 14.1% (5,040) belonged to law firms of 3-5 attorneys; 26.7% (9,518) were members of law firms with 6-49 attorneys and 17.7% (6,336) worked in firms with 50 or more attorneys.

PRIVATE FIRM SIZE		
Firm Size	Number	Percent
One	11,397	31.93%
Two	3,406	9.54%
3 to 5	5,040	14.12%
6 to 10	3,416	9.57%
11 to 19	2,585	7.24%
20 to 49	3,517	9.85%
50 >	6,336	17.75%
Total	35,697	100.00%

Figure 19

3. *Private Practice Law Firm Number*

No exact figures exist on the number of law firms that engage in the private practice of New Jersey law. Nevertheless, a reasonably accurate estimate can be made based on the 37,304 attorneys who indicated they engaged in the private practice of New Jersey law. A total of 35,697 (95.7%) 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 5.4% had 6 or more attorneys.

NUMBER OF LAW FIRMS				
Size Of Law Firm	Number Of Attorneys	Firm Size Midpoint	Number Of Firms	Individual Category %
One	11,397	1	11,397	75.05%
Two	3,406	2	1,703	11.21%
3 to 5	5,040	4	1,260	8.30%
6 to 10	3,416	8	427	2.81%
11 to 19	2,585	15	172	1.13%
20 to 49	3,517	35	100	0.66%
50 >	6,336	50	127	0.83%
Total	35,697		15,187	100.00%

Figure 20

4. *Bona Fide New Jersey Offices*

New Jersey attorneys are no longer required to maintain a bona fide office in New Jersey. Nevertheless, seventy-nine percent (78.9%) of New Jersey attorneys (28,937) have a bona fide office in the state. Twenty-one percent (21.1%) of New Jersey attorneys (7,731) had offices located in other jurisdictions: New York 10.4% (3,817), Pennsylvania 9.2% (3,381), Delaware less than 1% (92), and various other United States jurisdictions represent -1% (382), while less than one percent (.59) failed to indicate their state.

BONA FIDE PRIVATE OFFICE LOCATIONS		
State	Number	Percent
New Jersey	28,937	78.92%
Pennsylvania	3,381	9.22%
New York	3,817	10.41%
Delaware	92	0.25%
Other	382	1.04%
No State Listed	59	0.16%
Total	36,668	100%

Figure 21

5. *Bona Fide Private Office Locations*

Of the 29,041 attorneys engaged in private practice of New Jersey law from offices located within this state, 99.9% (29,037) indicated the New Jersey County in which their primary bona fide office was located, while 4 attorneys did not. Essex County housed the largest number of private practitioners with 15.9% (4,619), followed by Bergen County with 12.6% (3,644). Morris County was third at 11.5% (3,330) and Camden County was fourth with 9.9% (2,860).

ATTORNEYS WITH BONA FIDE OFFICES					
County	Number	Percent	County	Number	Percent
Atlantic	658	2.27%	Middlesex	1,870	6.44%
Bergen	3,644	12.55%	Monmouth	2,023	6.97%
Burlington	1,412	4.86%	Morris	3,330	11.47%
Camden	2,860	9.85%	Ocean	785	2.70%
Cape May	172	0.59%	Passaic	902	3.11%
Cumberland	169	0.58%	Salem	56	0.19%
Essex	4,619	15.91%	Somerset	1,002	3.45%
Gloucester	389	1.34%	Sussex	233	0.80%
Hudson	1,061	3.65%	Union	1,539	5.30%
Hunterdon	326	1.12%	Warren	145	0.50%
Mercer	1,842	6.34%	No County Listed	4	0.01%
Total			29,041	100.00%	

Figure 22