

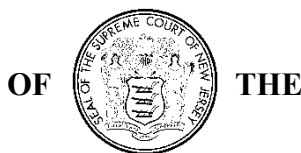
2020 STATE OF THE ATTORNEY DISCIPLINARY SYSTEM REPORT



Hon. Stuart Rabner
Chief Justice
Supreme Court of New Jersey

Charles Centinaro
Director
Office of Attorney Ethics

OFFICE OF ATTORNEY ETHICS



SUPREME COURT OF NEW JERSEY

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May 20, 2021

**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-seventh issue of the State of the Attorney Disciplinary System Report.

Last year was a year like no other. As a result of the COVID-19 Coronavirus pandemic, and Governor Murphy's stay-at-home order, the attorneys, investigators and random auditors at the Office of Attorney Ethics, and the hundreds of volunteers serving on our District Ethics and Fee Arbitration Committees, as well as the attorneys subject to investigation or prosecution, involved in fee arbitration, or selected for random audits, had limited, or even no access to their offices. This negatively impacted their ability to handle or address attorney disciplinary, fee arbitration, and random audit matters. For those who unfortunately became sick from, or lost friends or loved ones to, the virus, the impact on operations was even greater.

While the disruption caused by COVID-19 is reflected in some of the statistics included in this report, other statistics demonstrate that the important work of the Office of Attorney Ethics and District Ethics and Fee Arbitration Committees continued to move forward.

The following are some of the highlights included in this report:

- Seven (7) fewer attorneys were disciplined in 2020 (167) than in 2019 (174).
- New investigations decreased by 29.2% (869) from the filings in 2019 (1,227).
- For the third year in a row, new formal complaints (and other charging documents) decreased, by 4.4% percent (237) compared to 2019 (248).
- OAE's yearly average investigative time goal compliance decreased by 3% to 73%.
- District Ethics Committees' yearly average time goal compliance for 2020 decreased from 72% to 61%.
- OAE Ethics Counsel appeared before the Supreme Court on 18 occasions for oral argument in 2020.

- District Fee Arbitration Committees handled a total of 978 cases involving over \$7.4 million in legal fees during 2020.
- The Random Audit Compliance Program conducted 454 audits of law firms in 2020.
- Thirteen (13) lawyers were disciplined (including one disbarment) through the detection efforts of the Random Audit Compliance Program.
- As of December 31, 2020, the attorney population was 97,971 – one attorney for every 91 New Jersey citizens.
- The Garden State ranks 6th in the nation in the number of attorneys admitted to practice.
- New Jersey ranks 43rd in the country (at \$212) in annual attorney licensing fees charged.
- A total of seven (7) lawyers were disciplined in 2020 due to the Trust Overdraft Notification Program.

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

Respectfully submitted,



Charles Centinaro, Director
Office of Attorney Ethics

TABLE OF CONTENTS

		<u>Page</u>
I.	The Year in Review	
	A. Case Processing	1
	B. Eleventh Annual OAE Training Conference.....	2
	C. Discipline	3
II.	Attorney Disciplinary Process and Procedure	
	A. Grievances	4
	B. Investigations	4
	C. Complaints	6
	D. Hearings	6
III.	Sanctions	
	A. Types of Disciplinary Sanctions.....	8
	B. Final Discipline	8
	C. Emergent Action	9
	D. Total Discipline.....	10
IV.	Grounds for Final Discipline	
	A. Other Money Offenses	16
	B. Dishonesty, Fraud, Deceit and Misrepresentation	16
	C. Gross Neglect/Lack of Diligence/Competence	16
	D. Knowing Misappropriation and Criminal Convictions	16 & 18
	E. Conflict of Interest	18
	F. Non-Cooperation with Ethics Authorities.....	18
	G. Fees	18
	H. Failure to Obey Court Order.....	18
	I. Advertising/Solicitation, Candor Toward Tribunal, Lack of Communication and Withdrawing/Terminating Representation.....	19
	J. Drug Offenses, Failure to Supervise and Ineligible Practicing Law...	19 & 20
V.	Other Related Actions	
	A. Disability-Inactive Status	36
	B. Contempt	37
	C. Diversions	37
	D. Reinstatement Proceedings	38
	E. Monitored Attorneys	38
VI.	Disciplinary Structure	
	A. District Ethics Committees.....	39
	B. Disciplinary Review Board	41
	C. Supreme Court of New Jersey.....	42
	D. Financing Attorney Discipline	42
	E. Office of Attorney Ethics	43
VII.	Attorney Fee Arbitration	
	A. History and Purpose	46
	B. Administration.....	46
	C. Structure	46
	D. Annual Caseload.....	49
	E. Nature of Cases	50
	F. Enforcement	51

	<u>Page</u>
VIII. Random Audit Program	
A. Purpose	52
B. Administration.....	53
C. Randomness and Selection.....	53
D. Standards for Accounting	53
E. Auditing Procedures	53
F. Compliance Through Education.....	54
G. Disciplinary Actions	54
IX. Attorney Registration	
A. Attorney Population	57
B. Admissions	57
C. Attorney Age	58
D. Other Admissions	59
E. Private Practice	60

TABLE OF FIGURES

<u>FIGURE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1	Changes in Investigations	5
2	Lawyer-Grievance Analysis	5
3	Changes in Complaints	6
4	Five-Year Sanction Trend	10
5	Yearly Discipline Report	11
6	2020 Disciplinary Summaries	20
7	Attorney Disciplinary System	39
8	2020-2021 District Ethics Committee Officers	40
9	2020-2021 District Fee Committee Officers	47
10	Changes in Fee Disputes	49
11	2020 RAP Sanctions	55
12	Attorneys Admitted	57
13	Year Admitted	58
14	Attorney Age Groups	59
15	Other Admissions	59
16	Admissions in Other Jurisdictions	60
17	Private Practice of New Jersey Law	61
18	Private Firm Structure	61
19	Private Firm Size	62
20	Number of Law Firms	62
21	Bona Fide Office Locations	63
22	Attorneys with Bona Fide Private Offices	63

I. THE YEAR IN REVIEW

A. CASE PROCESSING

The New Jersey Supreme Court has established time goals for the thorough and fair completion of all disciplinary investigations and hearings. *R.1:20-8*. As would be expected, COVID-19 negatively impacted our ability to comply with these time goals.

1. *Investigations*

a. Time Goal Compliance

The OAE's compliance with the Supreme Court's time goals for investigating cases decreased from 76% for 2019 to 73% for 2020. The Ethics Committees' average time goal compliance for the year decreased from 72% for 2019 to 61% for 2020.

b. Age of Investigations

The average age of the OAE's pending investigations increased from 191 days for 2019 to 196 days for 2020. The average age of the Ethics Committees' pending investigations increased from 151 days for 2019 to 177 days for 2020.

c. Backlog

The OAE's average backlog increased by 3% to 27% for 2020. However, the percentage of investigations over one year old as of December 31, 2020, remained at 15%. The backlog of the Ethics Committees increased by 11% to 39%.

d. Investigations Added

In 2020, fewer new investigations were added to the joint docket of the OAE and Ethics Committees than in 2019. Specifically, 869 new investigations were commenced in 2020, as opposed to 1,227 investigations in 2019. Stated differently, new investigations decreased by 29.2% in 2020.

2. *Hearings*

a. Number of Hearings

Soon after the arrival of COVID-19 in the United States, the New Jersey Supreme Court suspended all in-person hearings. However, by Omnibus Order dated April 24, 2020, the Supreme Court ordered the resumption of hearings in a virtual format. The transition from in-person to virtual hearings took some time, but the Office of Attorney Ethics was able to conduct a total of 59 hearings, with 31 of them conducted completely virtually.

b. Age of Hearings

In 2020, the average age of the OAE's disposed hearings decreased by 111 days. The average age of the Ethics Committees' disposed hearings in 2020 also decreased, by 76 days.

c. Complaints Filed

The OAE and Ethics Committees filed fewer complaints in 2020 than in 2019. Two hundred and thirty-seven (237) complaints were added in 2020, compared to the 248 complaints added in 2019. In other words, complaints decreased by 4.4%.

B. ELEVENTH ANNUAL OAE TRAINING CONFERENCE

Improving efficiency is a top priority of the OAE, but not at the expense of quality and thorough investigations and fair prosecutions and adjudications. To help ensure and improve the quality and effectiveness of attorney regulation, the OAE supplements its regular training of the professionals and volunteers by hosting a yearly all-day training conference. Due to the coronavirus pandemic, the Eleventh Annual Training Conference was held virtually on November 5, 2020. This provided unique challenges but also unique rewards, such as increased attendance capacity.

Associate Justice Fabiana Pierre-Louis delivered the Opening Remarks for the Eleventh Annual Training Conference. Justice Pierre-Louis thanked the members of the fee and ethics committees and recognized the unusual challenges presented by the pandemic to all aspects of our private and professional lives. She acknowledged the resourcefulness of the volunteers and full-time staff to adapt to the transition of much of the work of the ethics committees and the OAE to remote operations. She expressed appreciation for the professionalism and dedication of each component of the ethics system in New Jersey. Her remarks were thoughtful, appreciative and very well-received.

Justice Pierre-Louis's remarks were followed by three workshops designed to meet the specific training needs of those involved in the screening, investigation, prosecution, and adjudication of attorney disciplinary matters. As this was the first time the conference was held remotely over Zoom instead of in-person, each workshop was focused, at least in part, on the transition to remote operations. The first training session on "Attorney Regulation Outside the OAE" focused on the roles of various judicial agencies, such as the Lawyers' Fund for Client Protection (LFCP), the Committee on Character and the Board on Continuing Legal Education (CLE), and their interaction and intersection with the OAE. The second session included a highly detailed look at the Disciplinary Review Board (DRB) and the New Jersey Lawyers' Assistance Program (NJLAP). This workshop provided attendees with tips on utilizing the unique resources of the DRB and NJLAP and included tips on using these resources remotely. The final workshop titled "Presenting and Presiding Over Remote/Virtual Disciplinary Hearings," provided practical tips and training on conducting and presiding over ethics hearings in the OAE Zoom Courtroom. This workshop included mundane but essential technical information as well as battle-tested ideas on how to present more effectively in this new environment, which is both different and related to a traditional courtroom setting.

A total of 289 individuals registered via Zoom to attend all or part of the Conference. Attorneys who submitted CLE attendance forms were accorded up to 4.5 ethics credits for their attendance.

C. DISCIPLINE

A total of 167 attorneys were sanctioned by the New Jersey Supreme Court in 2020. (See “Sanctions” at page 7). This number includes all attorneys on whom final discipline was imposed, as well as those against whom emergent action was taken. In 2019, 174 attorneys were sanctioned. Therefore, 4% less attorneys were disciplined than one year ago.

II. ATTORNEY DISCIPLINARY PROCESS AND PROCEDURE

A. GRIEVANCES

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

B. INVESTIGATIONS

1. *Clear and Convincing Evidence*

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

2. *Confidentiality*

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

3. *Statewide Investigations*

Overall, the disciplinary system (OAE and Ethics Committees) began 2020 with a total of 861 investigations carried over from prior years. During the year, 869 new investigations were added for a total disposable caseload of 1,730. A total of 976 investigations were completed and disposed of, leaving a total of 754 pending investigations at year's end. Of that number, 157 were in untriable status, leaving an active pending investigative caseload of 597 matters.

During 2020, the number of grievances docketed and assigned for investigation (869) decreased by 29.2%, compared to the 1,227 new filings recorded in 2019. **(Figure 1)**.

Changes in Investigations

Year	Filings	Change
2020	869	-29.2%
2019	1,227	.2%
2018	1,224	-7.1%
2017	1,318	-4.4%
2016	1,379	-

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 2020, only 1.2% of the 73,068 active lawyers as of December 31, 2020 had grievances docketed against them. (**Figure 2**).

Lawyer-Grievance Analysis

Year	Filings	Lawyers*	Percent
2020	869	73,068	1.20%
2019	1,227	74,391	1.65%
2018	1,224	75,207	1.63%
2017	1,318	75,131	1.75%
2016	1,379	75,137	-

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

Figure 2

4. Time Goals

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

The average investigative time goal compliance rate for OAE cases for 2020 was 73%, 3% lower than for 2019. The average time goal compliance rate at the Ethics Committee level decreased from 72% for 2019 to 61% for 2020.

The OAE's average age of pending investigations increased from 191 days for 2019 to 196 for 2020. The average age of pending investigations of the Ethics Committees also increased, from 151 days in 2019 to 177 days for 2020.

The OAE's average backlog of investigations increased from 24% for 2019 to 27% for 2020. The average backlog of the Ethics Committees increased from 28% for 2019 to 39% for 2020.

C. COMPLAINTS (AND OTHER CHARGING DOCUMENTS)

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

1. *Statewide Formal Complaints*

The disciplinary system began calendar year 2020 with a total of 247 complaints carried over from prior years. During the year, 237 new complaints were added for a total disposable caseload of 484. A total of 190 complaints were disposed of through the hearing process, leaving 294 pending complaints at year's end. Of that number, 17 were in untriable status, leaving an active pending caseload of 277 complaints.

The number of new formal complaints filed in 2020 (237) decreased by 4.4% from 2019 (248). The number of complaints filed in each of the last five years is listed in **Figure 3**.

Changes in Complaints

Year	Filings	Change
2020	237	-4.4%
2019	248	-14.8%
2018	291	-11%
2017	327	17.2%
2016	279	-

Figure 3

D. HEARINGS

1. *Hearing Panels or Special Ethics Masters*

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

2. *Procedure*

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

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

3. *Public Hearings*

All hearings are open to the public except in rare circumstances where comprehensive protective orders have been entered. The OAE publishes a list of pending hearing matters that are updated monthly and available on the OAE's website.

4. *Age of Disposed Hearings*

In 2020, the average age of the OAE's disposed hearings decreased by 111 days, from 603 days in 2019 to 492 days in 2020. The average age of the disposed hearings of the Ethics Committees also decreased, by 76 days, from 474 days in 2019 to 398 days in 2020.

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

During 2020, the average age of hearings was also impacted by the transition to virtual-only hearings, which depended on the availability of OAE staff to serve as CourtSmart and Zoom moderators, with IT support personnel from the OAE also required to be available for each hearing. The scheduling of these remote hearings also went forward after the OAE had set in place written procedures and training guides to ensure the integrity, quality, and consistency of the hearing process.

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 *de novo* 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 18 times for oral argument in discipline cases in 2020. 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 2020, the Supreme Court imposed final discipline on 149 New Jersey attorneys. Prior years' totals were: 143 in 2019; 174 in 2018, 156 in 2017, and 130 in 2016. **Figure 5** at page 10 contains a list of all final and emergent actions, as well as all reinstated attorneys for 2020.

1. *Forms of Final Discipline*

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

a. Disbarment

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

b. Suspension

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

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

c. Censure

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

d. Reprimand

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

e. Admonition

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

2. *Discipline Imposed by the Supreme Court*

The 149 final sanctions imposed in 2020 include 10 disbarments by Order of the Supreme Court, 10 disbarments by consent of the respondent, 41 term suspensions, 1 indeterminate suspension, 29 censures, 29 reprimands, and 29 admonitions.

Comparisons of 2020 sanctions with the prior year are as follows: disbarments by Order of the Supreme Court decreased by 63% (10 vs. 27); disbarments by consent decreased by 16.7% (10 vs. 12); term suspensions increased by 36.7% (41 vs. 30); censures increased by 16% (29 vs. 25); reprimands increased by 26.1% (29 vs. 23); and admonitions increased by 16% (29 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. If the Supreme Court determines to grant the motion, the 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 2020, a total of 18 attorneys were the subject of emergent sanctions (18 temporary suspensions). This represents a decrease of 41.9% from the total in 2019, when 31 emergent actions were taken (31 temporary suspensions). Prior years' results were: 2018 (33 temporary suspensions); 2017 (36 temporary suspensions); and 2016 (39 temporary suspensions). During that five-year period, an average of 31 lawyers were subject to emergent action. The names of attorneys emergently disciplined are listed on page 15 **[Figure 5]**.

In 2020, the leading reasons for emergent discipline were: non-payment of fee arbitration committee awards at 39% (7 cases); knowing misappropriation of clients' trust funds at 22% (4 cases); the attorney's conviction of a "serious crime" as defined in R.1:20-13, also at 22% (4 cases); non-cooperation with disciplinary authorities, at 11% (2 cases); and accelerated suspension, at 6% (1 case).

D. TOTAL DISCIPLINE

In total, 167 attorneys were sanctioned by the New Jersey Supreme Court in 2020, whereas 174 attorneys were sanctioned in 2019 (representing a decrease of 4%). Sanction totals for previous years were as follows: 207 in 2018; 192 in 2017; 169 in 2016; and 149 in 2015. The average number of sanctions over the past five years is 182. The number of attorneys sanctioned in 2020 is 8.24% lower than this five-year average.

Five-Year Sanction Trend

Year	Attorneys Disciplined
2020	167
2019	174
2018	207
2017	192
2016	169

Figure 4

YEARLY DISCIPLINE REPORT

(1/1/2020 to 12/31/2020)

DISBARMENT (10)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
AAROE, LYN P	1971	WARREN	05/05/2020	05/05/2020
FARRELL, J MICHAEL	1980	PENNSYLVANIA	12/02/2020	12/02/2020
GUIDO, MICHAEL PETER	1986	FLORIDA	01/23/2020	01/23/2020
MACLACHLAN, DONALD S	1981	BERGEN	07/01/2020	07/01/2020
MAZZEI, JASON JOSEPH	1998	PENNSYLVANIA	12/02/2020	12/02/2020
PERCHEKLY, ALEXANDER	1999	NEW YORK	10/28/2020	10/28/2020
RAMOS, ALFREDO JR	2007	BERGEN	01/08/2020	01/08/2020
SMITH, KEITH T	1989	ATLANTIC	09/17/2020	09/17/2020
THOMPSON, RICHARD B	1982	MONMOUTH	01/16/2020	01/16/2020
WHITNEY, THOMAS J	2004	WYOMING	12/01/2020	12/01/2020

DISBARMENT BY CONSENT (10)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
COHEN, CRAIG A	2013	PENNSYLVANIA	03/04/2020	03/04/2020
GOLDSTEIN, DAVID M	1973	FLORIDA	07/21/2020	07/21/2020
HANAMIRIAN, MARK CURTIS	1984	PENNSYLVANIA	09/08/2020	09/08/2020
HAYHURST, STEVEN BLAINE	1993	MIDDLESEX	04/30/2020	04/30/2020
JACLIN, GREGG EVAN	1995	MIDDLESEX	10/22/2020	10/22/2020
LUNDBERG, BERT T	1991	MIDDLESEX	03/03/2020	03/03/2020
NAZOR, BRYAN	2000	BERGEN	07/21/2020	07/21/2020
SINGH, CHANDER P	2001	BERGEN	06/11/2020	06/11/2020
SPERANZA, THOMAS H	1990	PENNSYLVANIA	01/23/2020	01/23/2020
WEISS, ABRAHAM C	2005	NEW YORK	01/03/2020	01/03/2020

SUSPENSION INDETERMINATE (1)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
WINTERS, WILLIAM S	1993	MIDDLESEX	01/30/2020	01/30/2020

SUSPENSION TERM (41)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ALEXANDER, RICHARD EVAN - 3 mo.	2008	BERGEN	08/05/2020	09/01/2020
ALI, ALI A - 24 mo.	2009	MERCER	07/09/2020	07/09/2020
AL-MISRI, OUSMANE DHU'L-NUN - 6 mo.	1979	ESSEX	03/13/2020	03/13/2020
BERAN, BARRY J - 36 mo.	1981	CAMDEN	09/23/2020	09/23/2020
BERAN, BARRY J - 6 mo.	1981	CAMDEN	03/13/2020	04/10/2020
BOSWORTH, JAMES L - 6 mo.	1975	HUDSON	01/30/2020	02/28/2020
BRENT, ADAM LUKE - 12 mo.	2003	GLOUCESTER	05/21/2020	05/21/2020

BRENT, ADAM LUKE - 24 mo.	2003	GLOUCESTER	10/07/2020	05/22/2021
BURGER, HOWARD J. - 24 mo.	1974	UNION	10/07/2020	11/06/2020
BURNS, SALEEMAH M K - 3 mo.	2008	BERGEN	01/17/2020	02/14/2020
CALPIN, BRIAN LE BON - 12 mo.	2001	BURLINGTON	05/07/2020	05/07/2020
CAMPOS, CHRISTOPHER - 36 mo.	2003	HUDSON	05/12/2020	05/12/2020
DANON, TALIA GAYLE - 3 mo.	2014	UNION	01/31/2020	01/31/2020
DE CLEMENT, DAVID MICHAEL - 6 mo.	1994	GLOUCESTER	03/13/2020	04/10/2020
DENNERLEIN, ROBERT MICHAEL III- 6 mo.	2015	PASSAIC	05/06/2020	10/04/2018
DE VOREN, IVAN STEWART - 6 mo.	1991	PENNSYLVANIA	07/16/2020	07/16/2020
DRINKWATER, PHILLIP FRANCIS III- 6 mo.	1992	CAMDEN	09/24/2020	09/24/2020
DURKIN, DENNIS ALOYSIUS - 12 mo.	1982	ESSEX	09/10/2020	10/12/2020
GAROFALO, MICHAEL S - 3 mo.	1998	SUSSEX	05/20/2020	05/20/2020
GERTNER, MARK - 12 mo.	1982	ESSEX	01/17/2020	02/14/2020
GONZALEZ, NELSON - 3 mo.	1997	MORRIS	04/09/2020	05/07/2020
GORMAN, MATTHEW M - 6 mo.	2012	BERGEN	03/16/2020	06/26/2019
HASBROUCK, SETH C - 12 mo.	2009	GLOUCESTER	09/10/2020	10/12/2020
JACKSON, SAMUEL D - 12 mo.	2017	NEW YORK	09/17/2020	02/06/2019
KIM, YOUNG MIN - 36 mo.	2006	BERGEN	03/16/2020	03/16/2020
LOWDEN, SUSAN A - 6 mo.	1991	CAMDEN	03/26/2020	03/26/2020
LUDWIG, THOMAS - 3 mo.	1978	BERGEN	12/10/2020	01/08/2021
MALLOY, ED C - 60 mo.	1996	PENNSYLVANIA	05/07/2020	06/05/2020
MC CARTHY, DANIEL J - 24 mo.	1984	CAPE MAY	01/15/2020	01/15/2020
MCELROY, EDWARD - 12 mo.	1994	UNION	03/16/2020	04/20/2020
MUNIER, WILLIAM J - 12 mo.	1991	BERGEN	05/20/2020	06/22/2020
NADLER, SETH ASHER - 12 mo.	2014	NEW YORK	03/13/2020	04/10/2020
NATKOW, MEGAN A - 6 mo.	2014	SOMERSET	08/11/2020	09/09/2020
PENKOVSKY, NICHOLAS A - 6 mo.	1993	NEW YORK	10/22/2020	10/22/2020
PERLMAN, JEFFREY L - 12 mo.	1984	PENNSYLVANIA	01/31/2020	08/03/2018
POMPER, NEAL M - 24 mo.	1982	MIDDLESEX	10/21/2020	09/18/2019
RAY-LEONETTI, JAMIE - 6 mo.	1999	PENNSYLVANIA	01/30/2020	01/30/2020
RYS, LAURA M - 12 mo.	1993	SOMERSET	07/15/2020	08/01/2020
RYS, LAURA M - 6 mo.	1993	SOMERSET	01/31/2020	01/31/2020
SCHULTZ, WAYNE A - 6 mo.	1975	WARREN	03/25/2020	04/24/2020
ZIEGLER, JOEL S - 3 mo.	1966	ESSEX	06/05/2020	07/06/2020

CENSURE (29)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ACCIAVATTI, DIANE MARIE	1984	PASSAIC	07/02/2020	07/02/2020
BEGLEY, KEVIN J.	1997	MONMOUTH	06/05/2020	06/05/2020
BRENNER, YANKY	2006	OCEAN	10/01/2020	10/01/2020
CARATZOLA, FRANCIS J	2017	UNION	03/26/2020	03/26/2020
DANON, TALIA GAYLE	2014	UNION	05/07/2020	05/07/2020
DAVIS, NATHANIEL MARTIN	1996	ESSEX	06/04/2020	06/04/2020

FRISHBERG, AARON DAVID	1987	NEW YORK	04/09/2020	04/09/2020
FUSCO, ANTHONY J JR	1972	PASSAIC	10/08/2020	10/08/2020
GARCIA, GILBERTO M	1987	BERGEN	09/15/2020	09/15/2020
GONZALEZ, NELSON	1997	MORRIS	10/20/2020	10/20/2020
GUZMAN, CECILIA SARDINA	2002	PASSAIC	09/15/2020	09/15/2020
HALPERN, SUSAN PENNY	1986	PENNSYLVANIA	09/11/2020	09/11/2020
HARTMAN, FRANCES ANN	1984	BURLINGTON	07/06/2020	07/06/2020
HEYBURN, EDWARD HARRINGTON	1997	MERCER	12/09/2020	12/09/2020
HUNEKE, WILLIAM L	1979	OCEAN	05/12/2020	05/12/2020
HUTT, JOHN JOSEPH	1999	ATLANTIC	03/16/2020	03/16/2020
IBRAHIM, IHAB AWAD	2013	HUDSON	06/05/2020	06/05/2020
ISA, ULYSSES	2006	HUDSON	09/24/2020	09/24/2020
LINDNER, MICHAEL DAVID JR	1995	GLOUCESTER	09/15/2020	09/15/2020
PARINELLO, DAVID A	1992	MIDDLESEX	10/22/2020	10/22/2020
PEIFFER, WILLIAM J	1993	CAMDEN	08/05/2020	08/05/2020
PHILIP, GENIA C	2000	ESSEX	01/17/2020	01/17/2020
RUIZ-URIBE, EUGENIA	2007	NEW YORK	06/18/2020	06/18/2020
SCOTT, JAMES MICHAEL III	1997	MERCER	07/06/2020	07/06/2020
SMITH, DARRYL GEORGE	1997	HUDSON	03/13/2020	03/13/2020
TEN BROECK, DAVID ANDREW	2010	UNION	06/17/2020	06/17/2020
TOTH, EMERY Z	1974	MIDDLESEX	02/13/2020	02/13/2020
TOTO, WALTER	1996	MIDDLESEX	03/16/2020	03/16/2020
VACCARO, JOSEPH	1999	PENNSYLVANIA	08/05/2020	08/05/2020

PUBLIC REPRIMAND (29)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ABDELLAH, HASSEN I	1983	UNION	01/31/2020	01/31/2020
ABRAMSON, LORETTA D	2007	HUNTERDON	05/06/2020	05/06/2020
ALPER, VADIM	2009	HUDSON	06/04/2020	06/04/2020
CARRINO, JOHN V	2002	HUNTERDON	07/16/2020	07/16/2020
CLEMENTE, JONATHAN D	1981	MORRIS	03/24/2020	03/24/2020
DIEGO, JONATHAN ERIC	1994	ATLANTIC	05/08/2020	05/08/2020
DOUGHERTY, PAUL	1994	CAMDEN	05/08/2020	05/08/2020
DOWNS, THOMAS E IV	1975	MIDDLESEX	05/21/2020	05/21/2020
FATTELL, JEFFREY SCOTT	2008	BERGEN	06/04/2020	06/04/2020
HOWARD, JOSEPH PETER	2010	CAMDEN	12/10/2020	12/10/2020
JAFFE, MARK H	1988	SOMERSET	01/17/2020	01/17/2020
JENEY, ROBERT JOSEPH JR	1984	UNION	07/15/2020	07/15/2020
KEY, JAMES A JR	1974	MIDDLESEX	06/17/2020	06/17/2020
KOPPENAAL, RICHARD DAVID	1983	BERGEN	05/20/2020	05/20/2020
LAWRENCE, HERBERT F	1970	UNION	05/08/2020	05/08/2020
LEVASSEUR, AUDWIN FREDERICK	2005	FLORIDA	12/09/2020	12/09/2020
LEVASSEUR, AUDWIN FREDERICK	2005	ESSEX	03/16/2020	03/16/2020
MILLER, HOWARD A	1987	BERGEN	04/08/2020	04/08/2020
MITNICK, CRAIG R	1987	CAMDEN	09/11/2020	09/11/2020

NUSSEY, DAVID RYAN	1999	CAMDEN	06/17/2020	06/17/2020
OSTERBYE, RAYMOND CHARLES	2013	MONMOUTH	07/30/2020	07/30/2020
REPLOGLE, DANIEL M III	1984	CAMDEN	05/08/2020	05/08/2020
RICIGLIANO, JOSEPH JR	1991	MIDDLESEX	01/16/2020	01/16/2020
SACHS, LAWRENCE B	1983	MIDDLESEX	04/09/2020	04/09/2020
SCHNEIDER, BENJAMIN G	1984	WARREN	09/10/2020	09/10/2020
SCHWARTZ, JOEL LEE	1995	ATLANTIC	01/17/2020	01/17/2020
SILBER, MARK R	1973	MIDDLESEX	09/25/2020	09/25/2020
STILES, R ALEXANDER	2006	VIRGINIA	07/16/2020	07/16/2020
STILES, ROBERT V	1973	WARREN	07/16/2020	07/16/2020

ADMONITION (29)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
BEHRINS, JONATHAN BRUCE	1992	NEW YORK	02/24/2020	02/24/2020
BRESLIN, JOHN MICHAEL	1996	SUSSEX	02/24/2020	02/24/2020
CARROLL, ANDREW MICHAEL	2004	ATLANTIC	11/24/2020	11/24/2020
COLLETT, LENARD F	2001	PENNSYLVANIA	09/10/2020	09/10/2020
COTZ, GEORGE J	1974	BERGEN	04/21/2020	04/21/2020
DOUGLASS, MICHELLE J	1988	ATLANTIC	04/08/2020	04/08/2020
FLOTTERON, KIM M	2006	MIDDLESEX	03/20/2020	03/20/2020
GARDNER, DONALD L	1976	HUDSON	03/20/2020	03/20/2020
GARRUTO, ANDREW FRANK	1991	ESSEX	04/08/2020	04/08/2020
GEIST, JARED A	2009	BERGEN	05/26/2020	05/26/2020
GISCOMBE, BEVERLY G	1979	ESSEX	02/24/2020	02/24/2020
GONZALEZ, JULIAN D	2015	MONMOUTH	04/21/2020	04/21/2020
HALDEN, PETER M	1976	CAMDEN	02/24/2020	02/24/2020
HAMILL, EDWARD KENNY	1982	MIDDLESEX	11/24/2020	11/24/2020
HOOPER-REAVIS, DONYALE YVETTE	2001	FLORIDA	04/21/2020	04/21/2020
LORD, ESTELLE FLYNN	1983	UNION	11/23/2020	11/23/2020
MC GUIRE, JAMES J JR	1974	MONMOUTH	09/18/2020	09/18/2020
MUHLBAIER, BRIAN JOSEPH	1999	CUMBERLAND	04/21/2020	04/21/2020
PEDUTO, GENESIS A	1998	HUDSON	02/24/2020	02/24/2020
PENNINGTON, DARYL SARRELL	2004	BURLINGTON	05/21/2020	05/21/2020
POINDEXTER, JOHN O III	1977	BURLINGTON	03/20/2020	03/20/2020
PONZINI, NICHOLAS C	2006	BERGEN	10/20/2020	10/20/2020
PRESSLER, GEORGE W	1971	MIDDLESEX	03/20/2020	03/20/2020
ROMANOWSKI, CURTIS J	1991	MONMOUTH	12/09/2020	12/09/2020
SERATA, DANIEL E	1986	HUDSON	05/26/2020	05/26/2020
SISCO, KEVIN D	1990	PASSAIC	04/21/2020	04/21/2020
VERDIRAMO, VINCENT S	1986	HUDSON	01/21/2020	01/21/2020
VERRASTRO, THOMAS FRANK	2001	UNION	06/04/2020	06/04/2020
ZUNIGA, LETICIA	2004	PASSAIC	03/20/2020	03/20/2020

TOTAL FINAL DISCIPLINE.....149

TEMPORARY SUSPENSION (18)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ALJALUDI, ZAK A	2009	BERGEN	09/10/2020	09/10/2020
CALPIN, BRIAN LE BON	2001	BURLINGTON	12/20/2019	01/20/2020
CALPIN, BRIAN LE BON	2001	BURLINGTON	06/25/2020	07/27/2020
GRANT, ALBERT O II	1971	MORRIS	04/29/2020	04/29/2020
JONES, STEPHEN ROBERT	2006	FLORIDA	03/16/2020	03/16/2020
LANCELLOTTI, ALBERT L	1994	ESSEX	01/15/2020	01/15/2020
LONG, DOUGLAS M	1999	GLOUCESTER	05/28/2020	05/28/2020
MEEHAN, KEVIN PATRICK	1998	MERCER	11/04/2020	11/04/2020
MUNIER, WILLIAM J	1991	BERGEN	06/29/2020	07/30/2020
MUNIER, WILLIAM J	1991	BERGEN	10/01/2020	10/29/2020
OLIVE, LAURENCE H	1977	ESSEX	07/14/2020	07/14/2020
PERRUCCI, ANGELO M	1990	PENNSYLVANIA	04/29/2020	04/29/2020
ROBINSON, RICHARD DONNELL	2004	BURLINGTON	12/06/2019	01/06/2020
SAPONARO, GEORGE R	1995	BURLINGTON	12/06/2019	01/06/2020
SAUNDERS, DARRYL M.	1990	UNION	03/03/2020	04/02/2020
SHAPIRO, MICHAEL R	2007	PENNSYLVANIA	03/13/2020	03/13/2020
SPIELBERG, MARC A	1976	OCEAN	09/10/2020	09/10/2020
STACK, ROBERT JAMES	1996	MORRIS	11/19/2020	11/19/2020

TOTAL TEMPORARY DISCIPLINE.....18

REINSTATEMENTS (21)

<u>ATTORNEY</u>	<u>SUSPENDED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ANISE, MAGDY F	11/15/2018	HUDSON	08/05/2020	08/05/2020
BARONI, WILLIAM EDWARD JR	04/06/2017	MERCER	05/12/2020	05/12/2020
BOSWORTH, JAMES L	02/28/2020	HUDSON	10/15/2020	10/15/2020
BURNS, SALEEMAH M	02/14/2020	BERGEN	06/26/2020	06/26/2020
CHIRICO, VINCENT	08/19/2019	NEW YORK	02/27/2020	02/27/2020
DE CLEMENT, DAVID M.	04/10/2020	GLOUCESTER	10/15/2020	10/15/2020
DENNERLEIN, ROBERT MICHAEL III	10/04/2018	PASSAIC	08/18/2020	08/18/2020
EDELSTEIN, MARK	02/12/2016	TEXAS	09/18/2020	09/18/2020
EPSTEIN, ELLYN MICHELE	07/30/2020	CAMDEN	08/12/2020	08/12/2020
GAYL, JOSHUA LAWRENCE	04/07/2017	PENNSYLVANIA	04/23/2020	04/23/2020
GONZALEZ, NELSON	05/07/2020	MORRIS	10/20/2020	10/20/2020
HYDE, CHRISTOPHER WEST	06/18/2018	MORRIS	05/14/2020	05/14/2020
PAGLIARA, NICHOLAS ANTHONY	04/23/2018	HUDSON	03/20/2020	03/20/2020
POCARO, JEFFREY R	10/12/2017	UNION	11/12/2020	11/12/2020
ROBINSON, RICHARD DONNELL	01/06/2020	BURLINGTON	01/22/2020	01/22/2020

SERI, GNOLEBA REMY	08/15/2018	BERGEN	05/21/2020	05/21/2020
SKLAR, LORI JO	03/07/2019	MINNESOTA	07/16/2020	07/16/2020
SORIANO, WILLIAM J	05/08/2018	ESSEX	06/26/2020	06/26/2020
STEINCOLOR, DEBORAH	11/17/2016	ESSEX	07/09/2020	07/09/2020
WHITE, ANGELA Y	07/10/2007	CALIFORNIA	10/22/2020	10/22/2020
ZONIES, DANIEL B	01/06/2020	CAMDEN	06/17/2020	06/17/2020

TOTAL REINSTATEMENTS.....21

IV. GROUNDS FOR FINAL DISCIPLINE

The types of misconduct committed in final discipline cases are as follows:

A. OTHER MONEY OFFENSES

The category of “Other Money Offenses” came in first place in 2020, as it did in 2019. Eighteen point one percent (18.1%) (27 of the 149 final discipline cases) of the attorneys disciplined in 2020 committed some type of money offense other than knowing misappropriation. This category includes negligent or reckless misappropriation, serious trust account recordkeeping deficiencies, and failure to safeguard funds and escrow violations.

B. DISHONESTY, FRAUD, DECEIT AND MISREPRESENTATION

In second place was the category of “Dishonesty, Fraud, Deceit and Misrepresentation.” Twenty-six (26) of the 149 attorneys disciplined in 2020 (or 17.4%) engaged in some type of dishonesty, fraud, deceit or misrepresentation.

C. GROSS NEGLIGENCE/LACK OF DILIGENCE/FAILURE TO COMMUNICATE

The category of “Gross Neglect/Lack of Diligence/Failure to Communicate” came in third place at 12.8% (19 of 149 cases). Attorneys who engage in grossly negligent conduct and who lack diligence and fail to communicate with clients are a clear danger to the public. This category was the fourth most frequent reason for lawyer sanctions in 2019.

D. Tied for fourth place are “Knowing Misappropriation” and “Criminal Convictions.”

KNOWING MISAPPROPRIATION

Eight point seven percent (8.7%) (13 of 149 cases) of attorneys disciplined in 2020 knowingly misappropriated trust funds.

Knowing misappropriation cases are of special importance in this state. New Jersey maintains a uniform and unchanging definition of this offense, as set forth

in the landmark decision of In re Wilson, 81 N.J. 451 (1979). This violation consists of simply taking and using a client's money, knowing that it is the client's money and that the client has not authorized its use. Knowing misappropriation cases, involving client trust/escrow funds, mandate disbarment.

1. *Trust Overdraft Notification*

New Jersey has the most pro-active financial programs of any state in the country, including the Trust Overdraft Notification Program (Overdraft Program) and Random Audit Compliance Program (RAP). The Overdraft Program requires that all financial institutions report to the OAE whenever an attorney trust account check is presented against insufficient funds. During the 36 years of its existence, the Overdraft Program has been the sole source for the discipline of 258 New Jersey lawyers. Almost one half of the attorneys (45%) so disciplined were disbarred. In 2020, seven (7) attorneys were detected and disciplined through this program:

- Hassen I. Abdellah from Union County was reprimanded;
- Nelson Gonzalez from Morris County was suspended for three months;
- William L. Huneke from Ocean County was censured;
- James J. McGuire, Jr., from Monmouth County was admonished;
- Howard A. Miller from Bergen County was reprimanded;
- Daniel M. Replogle, III, from Camden County was reprimanded; and
- Walter Toto from Middlesex County was censured.

2. *Random Audit Compliance Program*

RAP began conducting audits in 1981. While not designed primarily to detect misappropriation, audits have resulted in the detection of some serious financial violations. Over the 39 years of its operation, a total of 234 attorneys, detected solely by this program, have been disciplined for serious ethical violations. Fifty-three point four percent (53.42%) of those attorneys were disbarred or suspended. In 2020, thirteen (13) attorneys were disciplined for committing serious financial violations:

- Loretta D. Abramson from Hunterdon County was reprimanded;
- Yanky Brenner from Ocean County was censured;
- Jonathan D. Clemente from Morris County was reprimanded;
- Andrew F. Garruto from Essex County was admonished;
- Steven Blaine Hayhurst from Middlesex County was disbarred by consent;
- Robert Joseph Jeney, Jr., from Union County was reprimanded;
- James A. Key, Jr., from Middlesex County was reprimanded;
- Estelle Flynn Lord from Union County was admonished;
- Raymond Charles Osterbye from Monmouth County was reprimanded;
- Neal M. Pomper, formerly from Middlesex County, was suspended for two years;
- Benjamin G. Schneider from Warren County was reprimanded;

- Daniel E. Serata from Hudson County was admonished; and
- Vincent S. Verdiramo from Hudson County was admonished.

CRIMINAL CONVICTIONS

“Criminal Convictions” (excluding misappropriation, fraud and drug convictions) was also the fourth most common reason why attorneys were disciplined in 2020. The criminal convictions included Criminal Mischief, Criminal Use of Runners, Failure to File Income Taxes, Income Tax Evasion, Money Laundering and Theft. Eight point seven percent (8.7%) (13 of 149 cases) of the attorneys disciplined in 2020 were convicted of crimes.

E. CONFLICT OF INTEREST

“Conflict of Interest” came in fifth place, accounting for 5.4% (8 of 149 cases) of all final discipline cases.

The general rule on conflicts is found in RPC 1.7, which states that a lawyer may not represent a client if the representation of one client will be directly adverse to another client, or there is a significant risk that the representation of one or more clients will be materially limited by the lawyer’s responsibilities to another client, a former client, or a third person, or by a personal interest of the lawyer. This group was also in fifth place in 2019.

F. NON-COOPERATION WITH ETHICS AUTHORITIES

The sixth most frequent reason for discipline in 2020 was Non-Cooperation with Ethics Authorities. Attorneys have an ethical obligation under RPC 8.1(b) and *R.1:20-3(g)(3)* to cooperate during the investigation, hearing and processing of disciplinary matters. Some lawyers are disciplined for non-cooperation even though the grievance originally filed against them was ultimately dismissed because there was no proof of unethical conduct. The disciplinary system could not properly function and endeavor to meet its goals for timely disposition of cases without the attorney’s cooperation. Four percent (4%) (6 of 149 cases) of attorneys disciplined in 2020 were disciplined for failure to cooperate with disciplinary authorities.

G. FEES

Coming in seventh place at 3.4% (5 of 149 cases) is the category of “Fees.” Lawyers are required under RPC 1.5 to charge no more than a reasonable fee. When a fee becomes grossly excessive or violates other related rules, such as the requirement to have a fee agreement in writing, discipline is imposed.

H. FAILURE TO OBEY COURT ORDER

Failure to Obey Court Order was in eighth place at 2.7% (4 of 149 cases). RPC 3.4(c) provides that a lawyer may not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid objection exists.

I. Tied for ninth place, each at 2% (3 of 149 cases), are the categories of “Advertising/Solicitation,” “Candor Toward Tribunal,” “Lack of Communication,” and “Withdrawing/Terminating Representation.”

ADVERTISING / SOLICITATION

The rules governing lawyer advertising and solicitation can be found in Rules of Professional Conduct 7.1 through 7.5. Attorneys who run afoul of these rules, which are primarily designed to prevent false and misleading advertising, are subject to discipline.

CANDOR TOWARD TRIBUNAL

RPC 3.3 prohibits lawyers from knowingly making false statements of material fact or law to a tribunal, from failing to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting an illegal, criminal or fraudulent act by the client, and failing to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel.

LACK OF COMMUNICATION

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."

WITHDRAWING / TERMINATING REPRESENTATION

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

J. Three types of violations tied for tenth place.

DRUG OFFENSES

The first was “Drug Offenses” at 1.3% (2 of 149 cases). The majority of these cases resulted from criminal pleas/convictions.

FAILURE TO SUPERVISE

The second type of violation to tie for tenth place was “Failure to Supervise.” Rules of Professional Conduct 5.1 and 5.3 require every lawyer to make reasonable efforts to ensure that attorneys whom the lawyer supervises conform to the Rules of Professional Conduct, and that the conduct of non-lawyers retained or employed by the lawyer is compatible with the professional obligations of the lawyer.

INELIGIBLE PRACTICING LAW

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

Summaries of each of the 149 final discipline cases can be found in **Figure 6**.

Figure 6

2020 Disciplinary Summaries

Lyn Paul Aaroe - Disbarred on May 5, 2020 (241 *N.J.* 532), for violating *RPC* 1.15(a) (knowing misappropriation of client and/or escrow funds and failure to safeguard property belonging to a client or third party), *RPC* 1.15(b) (failure to promptly disburse funds), *RPC* 1.2(d) (counseling or assisting a client in illegal or fraudulent conduct), *RPC* 4.1(a)(1) (making a false statement of material fact to a third person), *RPC* 4.1(a)(2) (failure to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client), *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and the principles set forth in In re Wilson, 81 *N.J.* 451 (1979) and In re Hollendonner, 102 *N.J.* 21 (1985). Timothy J. McNamara represented the OAE before the Supreme Court and respondent failed to appear for the Order to Show Cause.

Hassen I. Abdellah - Reprimanded on January 31, 2020 (241 *N.J.* 98), on a disciplinary stipulation, for violating *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations). This matter was discovered as part of the Trust Overdraft Notification Program. Joseph A. Glyn represented the OAE and Gregg H. Hilzer represented respondent.

Loretta D. Abramson – Reprimanded on May 6, 2020, on a certified record (241 *N.J.* 536), for violating *RPC* 1.15(a) (commingling of funds), *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations), *RPC* 5.5(a)(1) (practicing law while ineligible to do so), and *RPC* 8.1(b)(failure to cooperate with ethics authorities). HoeChin Kim represented the OAE and respondent was pro se. This matter was discovered solely as a result of the Random Audit Compliance Program.

Diane Marie Acciavatti - Censured on July 2, 2020 (242 *N.J.* 517), for violations of *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with a client), *RPC* 1.5(a) (unreasonable fee), *RPC* 1.6(c) (on conclusion of a contingent fee matter, failure to provide client with a written statement of the outcome, and if there was a recovery, showing the remittance to the client and the method of determination) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Nadia Karif and Francis J. Leddy represented the District XI Ethics Committee and respondent was pro se. Respondent was previously disciplined: Admonished in 2018.

Richard Evan Alexander - Suspended for three months on August 5, 2020, effective September 1, 2020 (243 *N.J.* 288), for violating *RPC* 3.1 (frivolous litigation), *RPC* 3.3(a)(1) (false statement of material fact to a tribunal), *RPC* 3.3(a)(4) (offer evidence that the lawyer knows to be false), *RPC* 3.4(b) (falsify evidence, or counsel or a witness to testify falsely), *RPC* 8.1(a) (false statement of material fact in a disciplinary matter), *RPC* 8.4(b) (commission of a criminal act that reflects adversely on a lawyer’s honesty, trustworthiness, or fitness as a lawyer), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Amanda Figland represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB.

Ali A. Ali – Suspended for two years, on July 9, 2020 (242 *N.J.* 518), following a disciplinary stipulation to violations of *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence) and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Christina Manuelli represented District VII and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2019 and suspended for three months in 2019.

Ousmane Dhu'l-Nun Al-Misri – Suspended for six months, on March 13, 2020 (241 *N.J.* 323), for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 4.1(c) (failure to reply to reasonable requests for information). John Michael August presented the case before the hearing panel and John M. Garde appeared before the DRB for District VA. The respondent was pro se. The respondent was previously disciplined: Admonished in 1996 and 2002; censured in 2009; and suspended for three months in 2019. Respondent did not apply for reinstatement from the three month suspension.

Vadim Alper – Reprimanded on June 4, 2020 (242 *N.J.* 148), for violating *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). The misconduct stemmed from a criminal matter in which respondent completed the Pre-Trial Intervention program for computer criminal activity, specifically, respondent used his former employer's login credentials to a non-proprietary database without authority. HoeChin Kim represented the OAE and Peter Cipparulo, III, represented respondent.

Kevin J. Begley – Censured on a certified record on June 5, 2020 (242 *N.J.* 149) for violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) failure to communicate with client) and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Vincent P. Manning represented the District IX Ethics Committee and respondent was pro se. Respondent was previously disciplined: Admonished in 2019.

Jonathan Bruce Behrins – Admonished on February 24, 2020 (*Unreported*) for failing to maintain malpractice insurance since the year 2000, despite having engaged in the practice of law in New Jersey. Ryan J. Moriarty represented the OAE and respondent was pro se.

Barry J. Beran – Suspended for six months, effective April 10, 2020, on March 13, 2020 (241 *N.J.* 255), for mishandling three separate client matters. In the first matter, respondent violated *RPC* 1.3(lack of diligence) and *RPC* 1.4(b) (failure to keep client reasonably informed about the status of matter and to promptly comply with reasonable requests for information). In the second and third matters, respondent violated *RPC* 1.3 and *RPC* 1.4(b), as well as *RPC* 8.1(b) (failure to reply to lawful demand for information from a disciplinary authority). Jennifer E. Biderman represented District IV and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2004; admonished in 2009; censured in 2016; censured in 2017; and suspended for three months in 2018.

Barry J. Beran – Suspended on a certified record for three years, on September 23, 2020 (241 *N.J.* 254) for violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information), *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding representation), and *RPC* 8.1(b) (failure to reply to a lawful demand for information from a disciplinary authority). Jennifer E. Biderman represented District IV and respondent was pro se. Respondent has a disciplinary history: Reprimanded in 2004; admonished in 2009; censured in 2016 and 2017; suspended for three-months in 2018; and suspended for six-months in 2020.

James L. Bosworth – Suspended for six months, on January 30, 2020 (effective February 28, 2020) (241 *N.J.* 26), for violating *RPC* 1.8(a)(2) (in a business transaction with a client, failure to advise the client in writing of the desirability of seeking the advice of independent counsel), *RPC* 1.8(a)(3) (in a business transaction with a client, failure to obtain the client's informed written consent to the essential terms of the transaction) and *RPC* 1.15(d) (recordkeeping violations). Steven J. Zweig appeared before the DRB for the OAE and Robert E. Margulies appeared for the respondent.

Yanky Brenner – Censured on October 1, 2020 (244 *N.J.* 267) for violating *RPC* 1.15(b) (failure to promptly notify clients or third parties of funds in which they have an interest and to promptly disburse those funds) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Johanna Barba Jones represented the OAE and Shalom D. Stone represented the respondent on a Motion for Discipline by Consent granted by the DRB. This matter was discovered solely as a result of the Random Audit Compliance Program.

Adam Luke Brent – Suspended for one year on May 21, 2020 (242 *N.J.* 148), for violations of *RPC* 1.1(a) (gross neglect), *RPC* 1.1(b) (pattern of neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep client reasonably informed or to reply to reasonable requests for information), *RPC* 1.5(b) (failure to set forth the basis or rate of fee in writing), *RPC* 1.7(a) (conflict of interest), *RPC* 1.16(a) (failure to protect the client's interest on termination of the representation), *RPC* 5.5(a) (unauthorized practice of law), *RPC* 7.1(a)(2)(false communication about the lawyer or the lawyer's services that is likely to create an unjustified expectation about the results the lawyer can achieve), *RPC* 8.1(a) (false statement to disciplinary authorities), *RPC* 8.1(b) (failure to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter and failure to cooperate with

disciplinary authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) stemming from five discrete investigative matters. Anne T. Picker and Gilbert J. Scutti represented District IV, and respondent was pro se. Respondent was previously disciplined: Two temporary suspensions – one for failure to cooperate with ethics authorities and the second for failure to pay a fee arbitration award in 2019; and a three-month suspension in 2019.

Adam Luke Brent – Suspended for two years on October 7, 2020, effective May 22, 2021 (244 *N.J.* 274), on two certified records for violations of *RPC* 1.1(a)(gross neglect), *RPC* 1.1(b) (pattern of neglect), *RPC* 1.3(lack of diligence), *RPC* 1.4(b) (failure to keep the client reasonably informed about the status of a matter and to reply to reasonable requests for information), *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), *RPC* 1.5(b) (failure to set forth in writing the basis or rate of fee), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) stemming from his mishandling of four client matters. Anne T. Picker and Gilbert J. Scutti represented District IV, and respondent was pro se. Respondent was previously disciplined: Two temporary suspensions – one for failure to cooperate with ethics authorities and the second for failure to pay a fee arbitration award in 2019; three-month suspension in 2019; and a one-year suspension in 2020.

John Michael Breslin – Admonished on February 24, 2020 (*Unreported*) for failing to provide written fee agreements to two separate clients. Jennifer Lazor represented District XA and respondent appeared pro se.

Howard J. Burger – Suspended for two years on October 7, 2020, effective November 6, 2020 (244 *N.J.* 269), for violating *RPC* 1.7(a)(2) (conflict of interest), *RPC* 1.8(a) (improper business transaction with a client), *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Amanda Figland represented the OAE and Petar Kuridza represented the respondent. The respondent was previously disciplined: Reprimanded in 2018.

Saleemah M.K. Burns – Suspended for three months on January 17, 2020, effective February 14, 2020 (240 *N.J.* 432), for violating Rule 1:20-20(b)(10), which prohibits a suspended attorney from recommending to the client another attorney to continue or complete a matter, Rule

1:20-20(b)(10) and (11) which requires a suspended attorney to notify all clients, in pending litigated and non-litigated matters, of the suspension, and to advise them to seek counsel elsewhere and to find another attorney to continue or complete their matters, and *RPC* 1.1 (a), *RPC* 1.3, *RPC* 1.4(b), and *RPC* 8.4(c) in a client’s civil litigation when she permitted the client’s complaint to be dismissed with prejudice, based on respondent’s failure to serve the answers to interrogatories; failed to tell her client of the dismissal; failed to file a motion to vacate the dismissal, but misrepresented to her client that she would; and misrepresented to her client that the mediation had been delayed due to the judges’ vacation season. Respondent also failed to safeguard client funds, a violation of *RPC* 1.15(a). Christina Blunda appeared before the DRB for the OAE and Kim D. Ringler appeared for respondent. The respondent was previously disciplined: Suspended for three months in 2014 and censured in 2017.

Brian LeBon Calpin – Suspended for one year on May 7, 2020 (242 *N.J.* 75), on a certified record for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.1(b) (pattern of neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep a client reasonably informed and to reply to reasonable requests for information), *RPC* 1.9(c) (use of information relating to the representation of a former client to the disadvantage of the client, except when the Rules of Court would permit, or the information is generally known), *RPC* 1.15(b) (failure to promptly deliver client funds or property), *RPC* 1.16 (d) (failure to return client property on termination of representation), *RPC* 8.1(b) (failure to cooperate with ethics authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud deceit or misrepresentation). Michael C. Mormando represented District IIIB and respondent failed to appear. The respondent was previously disciplined: Reprimanded in 2014; admonished in 2017; and temporarily suspended in 2020 for failure to comply with a determination of a District Fee Arbitration Committee. That suspension remains in effect.

Christopher Campos – Suspended for three years on May 12, 2020 (241 *N.J.* 544), following respondent’s conviction in the United States District Court of the Southern District of New York to conspiracy to commit wire and bank fraud, contrary to 18 U.S.C. § 1349; bank fraud, contrary to 18 U.S.C. §§ 2 and 1344; and wire fraud, contrary to 18 U.S.C. §§ 2 and 1343. Hillary Horton represented the OAE, and Lee Vartan represented respondent on a motion for final discipline granted by the DRB.

Francis J. Caratzola – Censured on March 26, 2020 (241 *N.J.* 489), for violating *RPC* 8.4(b) (committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer). Eugene A. Racz represented the OAE. Peter N. Gilbreth represented respondent in the disciplinary stipulation before the DRB.

John Carrino – Reprimanded on July 16, 2020 (242 *N.J.* 526), for multiple violations of *RPC* 1.8(a) (improper business transaction with a client). Christina Blunda represented the OAE and John McGill, III, represented respondent.

Andrew Michael Carroll – Admonished on November 24, 2020 (*Unreported*), for his inability to produce a copy of a retainer agreement for a bankruptcy client in violation of *RPC* 1.15(d). Dominic R. DePamphilis represented District I and Marc D. Garfinkle represented the respondent.

Jonathan D. Clemente – Reprimanded on March 24, 2020 (241 *N.J.* 489) on a motion for discipline by consent for knowingly violating *RPC* 1.8(a) (improper business transaction with a client), and *RPC* 8.1(a) (false statement of material fact in connection with a disciplinary matter). Steven J. Zweig represented the OAE, and respondent was pro se. This matter was discovered solely as a result of the Random Audit Compliance Program.

Craig A. Cohen – Disbarred by consent on March 4, 2020 (241 *N.J.* 220), after admitting that he had knowingly misappropriated funds belonging to a Philadelphia law firm from 2015 to 2019. Timothy J. McNamara handled the matter for the OAE and Gina A. Amoriello represented the respondent.

Lenard F. Collett – Admonished on September 10, 2020 (*Unreported*), based on discipline imposed by the Supreme Court of Pennsylvania for unethical conduct that in New Jersey is in violation of *RPC* 5.5(a) (unauthorized practice of law). Ashley Kolata-Guzik appeared before the DRB for the OAE and Kim D. Ringler appeared on behalf of respondent.

George J. Cotz – Admonished on April 21, 2020 (*Unreported*), after admitting that he practiced law while suspended, in violation of *RPC* 5.5(a)(1). Stephen M. Orlofsky served as Special Presenter and respondent appeared pro se on a disciplinary stipulation submitted to the Disciplinary Review Board. Respondent was previously disciplined: Suspended for six months in 2005.

Talia Gayle Danon – Suspended for three months, on January 31, 2020 on a certified record (241 *N.J.* 97), for violating *RPC* 1.1 (a), *RPC* 1.3, and *RPC* 1.4(b) when she accepted \$1,000 from a client to obtain a variance for his business and then failed to work on the matter, failed to contact the client to update him, and failed to respond to his several attempts to communicate with her. Further, respondent failed to reply to the investigator in connection with the grievance, in violation of *RPC* 8.1 (b). Ryan J. Cooper represented District XII and respondent failed to appear. Respondent was previously disciplined: Temporarily suspended in 2018 for failing to satisfy a fee arbitration award. That suspension is still in effect.

Talia Gayle Danon – Censured on May 7, 2020 (241 *N.J.* 97), for failing to file the required Rule 1:20-20 affidavit contrary to *RPC* 8.1(b) (failure to respond to a lawful demand for information from a disciplinary authority) and *RPC* 8.4(d) (conduct contrary to the administration of justice). Hillary Horton represented the OAE on a certification of default and respondent was pro se. Respondent was previously disciplined: Temporarily suspended in 2018 and suspended for three-months in 2020.

Nathaniel Martin Davis – Censured on June 4, 2020 (242 *N.J.* 141), for knowingly violating *RPC* 1.15(a) (failure to safeguard client funds), *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Steven J. Zweig represented the OAE and respondent was pro se. The respondent was previously disciplined: Reprimanded in 2007 and 2012.

David Michael DeClement – Suspended for six months on March 13, 2020, effective April 10, 2020 (241 *N.J.* 253), following a disciplinary stipulation to violations of *RPC* 3.1 (asserting an issue with no basis in law or fact), *RPC* 3.3(a)(1) (false statement of material fact or law to a tribunal), *RPC* 3.3(a)(5) (failure to disclose a material fact to a tribunal), *RPC* 4.1(a)(1) (making a false statement of material fact or law to a third person), *RPC* 8.1(a) (knowingly making a false statement of material fact in connection with a disciplinary matter), *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Hillary Horton represented the OAE and Marc Garfinkle represented respondent. Respondent was previously disciplined: Reprimanded in 2013.

Robert Michael Dennerlein, III – Suspended for six months on May 6, 2020 (241 *N.J.* 53), effective October 4, 2018, following convictions in the New Jersey Superior Court, Hudson County to second-degree possession of a controlled dangerous substance with intent to distribute, contrary to N.J.S.A. 2C:35-5(a)(1) and disorderly persons wandering to obtain a controlled dangerous substance, contrary to N.J.S.A. 2C:33-2.1. Hillary Horton represented the OAE and respondent was pro se on a motion for final discipline granted by the DRB.

Ivan Stewart DeVoren – Suspended for six months on July 16, 2020 (242 *N.J.* 524), after a motion for final discipline following respondent's guilty pleas in the Court of Common Pleas of Allegheny County, Pennsylvania to summary disorderly conduct, contrary to 18 Pa. C.S. § 2705; the unlawful discharge of a firearm inside a residence, contrary to Pittsburgh, Pennsylvania Ordinance 30-1993, § 607.03; two counts of possession of a controlled dangerous substance, contrary to 35 P.S. § 780-113(a)(16); possession of marijuana, contrary to 35 P.S. § 780-113(a)(31); and two

counts of possession of drug paraphernalia, contrary to 35 P.S. § 780-113(a)(32). Hillary Horton represented the OAE and respondent was pro se.

Jonathan Eric Diego - Reprimanded on May 8, 2020 (241 *N.J.* 542), for violating *RPC* 3.2 (failing to treat with courtesy and consideration all persons involved in the legal process), and *RPC* 8.4(g) (engaging, in a professional capacity, in conduct involving discrimination). Gregg A. Shivers appeared before the DRB for District IIIB and William J. Hughes, Jr., and Durann A. Neil, Jr., appeared for respondent.

Paul Dougherty - Reprimanded on May 8, 2020 (241 *N.J.* 541), following conviction in the New Jersey Superior Court, Camden County, to third-degree conspiracy to confer an unlawful benefit to a public servant, contrary to N.J.S.A. 2C:5-2 and N.J.S.A. 2C:27-11(b). Respondent, a Haddon Township Commissioner, received a referral fee of \$7,106 from a certified civil trial attorney to whom he had referred a township employee for purposes of pursuing a legal claim against the township. Hillary Horton represented the OAE and Robert E. Ramsey represented respondent on a motion for final discipline before the New Jersey Supreme Court.

Michelle J. Douglas – Admonished on April 8, 2020 (*Unreported*), for violating *RPC* 1.15(b) (failure to safeguard funds); *RPC* 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal); *RPC* 4.1(a)(1) (making a false statement of material fact or law to a third person); *RPC* 4.1(a)(2) (failure to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client); and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Stephanie Albrecht-Pedrick appeared before the DRB for District I and Carl D. Poplar appeared for the respondent. Ryan J. Moriarty represented the OAE before the Supreme Court on a petition for review of the decision of the DRB filed by respondent’s counsel.

Thomas E. Downs, IV – Reprimanded on May 21, 2020 (232 *N.J.* 412), for violating *RPC* 8.1(d) (failure to cooperate with disciplinary authorities). Jose D. Roman represented District VIII before the DRB and Gerard E. Hanlon represented respondent. Respondent was previously disciplined: Admonished in 2013; censured in 2016; and reprimanded in 2018.

Phillip Francis Drinkwater, III - Suspended for six months, on September 24, 2020 (244 *N.J.* 195), for violating *RPC* 1.1(a) (gross neglect) *RPC* 1.1(b) (pattern of neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep client reasonably informed about the status of matter and to comply promptly with reasonable requests for information), *RPC* 1.5(a) (unreasonable fee), and *RPC* 5.3(a) (failure to supervise non-attorney staff). Steven J. Zweig represented the OAE before the Disciplinary Review Board and Robert

M. Perry represented the respondent. Respondent has been previously disciplined: Temporarily suspended in 2017, which suspension was still in effect at the time this order was entered.

Dennis Aloysius Durkin - Suspended for one year, on September 10, 2020, effective October 12, 2020 (243 *N.J.* 542), for violating *RPC* 1.4(b)(failure to communicate with client), *RPC* 1.5(a) (unreasonable fee), *RPC* 1.5(b) (failure to set forth in writing the basis or rate of the fee), *RPC* 1.5(c) (failure to enter into a written contingent fee agreement, improper calculation of a contingent fee, and failure to provide the client with an accurate settlement statement at the conclusion of a contingent fee matter), *RPC* 1.15(d) (failure to comply with the recordkeeping provisions of Rule 1:21-6), *RPC* 4.1(a)(1) (false statement of material fact or law to a third person), *RPC* 5.5(a)(1) (unauthorized practice of law), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) in three separate client matters. HoeChin Kim represented the OAE before the DRB and respondent was pro se.

J. Michael Farrell - Disbarred on December 2, 2020 (244 *N.J.* 387), following a motion for final discipline resulting from his convictions in the United States District Court for the District of Maryland to conspiracy to commit money laundering, money laundering, attempted tampering with an official proceeding, and attempted witness tampering. Hillary Horton represented the OAE and respondent was pro se.

Jeffrey Scott Fattell - Reprimanded on June 4, 2020 (242 *N.J.* 145), following his guilty plea in the Superior Court of New Jersey, Somerset County, to one count of criminal mischief, a disorderly person’s offense, in violation of N.J.S.A. 2C: 17-3 (a) (1) and conduct in violation of *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer). Amanda Figland represented the OAE and respondent was represented by Anthony R. Fattell, Jr., on a motion for final discipline granted by the DRB.

Kim M. Flotteron – Admonished on March 20, 2020 (*Unreported*), for improperly releasing escrow funds, in violation of *RPC* 1.15(a). Peter A. Vignuolo represented District VIII and Kenneth B. Falk represented the respondent.

Aaron David Frishberg - Censured on April 9, 2020 (241 *N.J.* 523), following a motion for reciprocal discipline. Respondent’s unethical conduct in New York constituted the violation of the following New Jersey *RPC*s: *RPC* 1.1(a) (gross neglect), *RPC* 1.1(b) (pattern of neglect), *RPC* 1.3 (lack of diligence) and *RPC* 1.4(b) (failure to communicate with client). Amanda Figland represented the OAE and respondent was represented by Lennox S. Hinds.

Anthony J. Fusco, Jr. - Censured on October 8, 2020 (244 *N.J.* 270), for engaging in a conflict of interest in a criminal law matter, in violation of *RPC* 1.7(a)(2) (engaging in conflict of interest). Norman I. Klein represented the District XI Ethics Committee and Adolph J. Galluccio represented the respondent. Respondent was previously disciplined: Reprimanded in 1995 and 2009 and suspended for three-months in 2009.

Gilberto M. Garcia - Censured on September 15, 2020 (244 *N.J.* 198), for violating *RPC* 1.5(b) (failure to set forth in writing the rate of basis of the legal fee) and *RPC* 7.1(a) (false or misleading communications about the lawyer's services). Ryan J. Moriarty appeared for the District IIB Ethics Committee before the Supreme Court and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2001.

Donald L. Gardner – Admonished on March 20, 2020 (*Unreported*), for violating *RPC* 1.4(b) and (c), when he failed to keep his client informed about the status of his civil lawsuit and failed to explain the matter sufficiently to permit him to make informed decisions regarding the representation. Bryan D. Plocker represented District VIII and Milagros Camacho represented the respondent.

Michael S. Garofalo – Suspended for three months, on May 20, 2020 on a certified record (242 *N.J.* 135), for refusing to provide his current address in Italy as he participated in his own divorce hearing and subsequently hanging up on the presiding judge when the judge tried to read the contents of a temporary restraining order against him to give him notice of same. The respondent advised that this was not proper service and terminated the call. Johanna Barba Jones represented the OAE and respondent failed to appear or cooperate with the disciplinary investigation into this matter. Respondent was previously disciplined: Suspended for six months in 2017. That suspension remains in effect.

Andrew Frank Garruto – Admonished on April 8, 2020 (*Unreported*), for failing to correct deficiencies originally found in a 2009 random audit. These deficiencies were still present when respondent was the subject of a 2018 random audit. Respondent admitted to violating *RPC* 1.15(d) and has since corrected all deficiencies. Amanda Figland represented the OAE before the DRB and Robert E. Ramsey represented the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

Jared A. Geist – Admonished on May 26, 2020 (*Unreported*), for gross neglect, lack of diligence, and failure to communicate with clients, in violation of *RPC* 1.1(a), *RPC* 1.3, and *RPC* 1.4(b) and (c), respectively in connection with a debt collection matter. Carlos G. Manalansan represented District VIII and Edward W. Cillick represented respondent.

Mark Gertner - Suspended for one year on January 17, 2020 (240 *N.J.* 435), effective February 14, 2020, following conviction in the New Jersey Superior Court, Essex County to third-degree criminal use of runners, contrary to N.J.S.A. 2C:21-22.1(b). Hillary Horton represented the OAE and respondent was pro se on a motion for final discipline. Respondent was previously disciplined: Reprimanded in 2011.

Beverly G. Giscombe – Admonished on February 24, 2020 (*Unreported*), for making an offensive comment to a Court Clerk in violation of *RPC* 3.2 and *RPC* 4.4(A). Eugene A. Racz appeared before the DRB for the OAE and Thomas R. Ashley appeared for respondent. Respondent was previously disciplined: Admonished in 1996; reprimanded in 1999; and suspended for three months in 2002.

David M. Goldstein - Disbarred by consent on July 21, 2020 (243 *N.J.* 232), after respondent acknowledged that he knowingly misappropriated escrow funds while he was serving as an escrow agent for a real estate transaction, and that if he went to a hearing on that matter, he could not successfully defend himself against those charges. Amanda Figland represented the OAE and Marc Garfinkle represented the respondent.

Julian D. Gonzalez – Admonished on April 21, 2020 (*Unreported*), for violating *RPC* 8.4 (c) by falsifying his time sheets after the law firm he was employed by changed their pay structure, effectively reducing his income. Robert K. Marchese represented District IX and Gary E. Linderth represented respondent.

Nelson Gonzalez – Suspended for three months on April 9, 2020, effective May 7, 2020 (241 *N.J.* 526), for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary for the client to make informed decisions about the representation), *RPC* 1.15(a) (failure to safeguard funds, negligent misappropriation), *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations), *RPC* 3.2 (failure to expedite litigation), *RPC* 3.4(d) (failure to comply with reasonable discovery requests), *RPC* 5.3(a) (failure to supervise nonlawyer staff), *RPC* 8.1(a) (false statement of material fact to a disciplinary authority), *RPC* 8.1(b) (failure to cooperate with ethics authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Moira E. Colquhoun represented District XA and Steven J. Zweig represented the OAE before the DRB and respondent was represented by Jay V. Surgent. Respondent was previously disciplined: Suspended for three months in 2014 and censured in 2020.

Nelson Gonzalez – Censured on a certified record on October 20, 2020 (244 *N.J.* 271), for violating *RPC* 1.3 (lack of diligence); *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); *RPC* 1.5(b) (failure to set forth in writing the basis or rate of the fee); and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Kevin J. O'Connor represented DEC XA and Brian J. Neary represented Respondent. Respondent was previously disciplined: 2014 suspension and 2020 suspension. This matter was discovered as part of the Trust Overdraft Notification Program.

Matthew M. Gorman - Suspended for six months on a certified record on March 16, 2020, effective June 26, 2019 (241 *N.J.* 355), for violating *RPC* 1.4(b) (failure to communicate with client), *RPC* 1.5(b) (failure to set forth in writing the basis or rate of the fee), *RPC* 1.16 (declining or terminating representation), *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE before the DRB and Supreme Court and respondent was pro se. The respondent was previously disciplined: Suspended in 2019, censured in 2018, and suspended in 2016.

Michael Peter Guido - Disbarred on January 23, 2020 (240 *N.J.* 477), following a motion for reciprocal discipline based on discipline imposed in Florida for unethical conduct that violated New Jersey *RPC* 1.3 (lack of diligence), *RPC* 8.4(b) (criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and In re Wilson, 81 *N.J.* 451 (1979), and In re Hollendonner, 102 *N.J.* 21 (1985). Hillary Horton represented the OAE and respondent was pro se.

Cecilia Sardina Guzman – Censured on September 15, 2020 (244 *N.J.* 190), for violating *RPC* 1.1(a) (gross neglect); *RPC* 1.3 (lack of diligence); *RPC* 1.4(b) (failure to communicate with client); *RPC* 1.15(a) (neglect misappropriation of client funds); *RPC* 1.15(d) (failure to provide with recordkeeping provisions of Rule 1:21-6); *RPC* 1.16(a)(3) and (d) (upon discharge by client, failure to withdraw from the representation and to refund unearned fee); and *RPC* 5.5(a) (unauthorized practice of law-failure to maintain professional liability insurance while practicing as an LLC). Steven J. Zweig represented the OAE and Robert E. Ramsey represented Respondent.

Peter M. Halden – Admonished on February 24, 2020 (*Unreported*), for violating *RPC* 1.2(a) when he signed a consent order on his client's behalf without his client's permission because he thought the terms were in his client's best interest. The Board also found a violation of *RPC* 1.5(b) because respondent's retainer agreement did not

contain certain elements required by Rule 5:3-5(A). Giovanna Lombardo represented District IV and respondent was pro se.

Susan Penny Halpern - Censured on September 11, 2020 (243 *N.J.* 552), following her guilty pleas in the United States District Court for the Eastern District of Pennsylvania to two misdemeanor violations of 26 U.S.C. §7203 (willful failure to pay tax), conduct that violates *RPC* 8.4(b) (criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Amanda Figland represented the OAE and respondent was represented by Suzanne M. Mc Sorley, on a motion for final discipline granted by the DRB.

Edward Kenny Hamill – Admonished on November 24, 2020 (*Unreported*), for violating *RPC* 1.15(b) by failing to secure the authorization of his client's health provider, with which he had a contractual relationship via a letter of protection, before he disbursed initial settlement funds in a workers compensation case, Edward Testino represented District VIII and James E. Stahl represented respondent.

Mark C. Hanamirian - Disbarred by consent on September 8, 2020 (243 *N.J.* 541), after acknowledging that he could not successfully defend himself against charges of knowing misappropriation of client and/or escrow funds in violation of *RPC* 1.15(a). Ryan J. Moriarty represented the OAE and Michael A. Hanamirian represented the respondent.

Frances Ann Hartman - Censured on July 6, 2020 (243 *N.J.* 76), pursuant to Rule 1:20-4(f) (default by respondent) for violating *RPC* 1.1(a) (gross neglect); *RPC* 1.3 (lack of diligence), *RPC* 1.5(b) (failure to set forth in writing the basis of rate of legal fees) and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Megan Knowlton Balne represented District IIIB and respondent was pro se. The respondent was previously disciplined: Admonished in 2014.

Seth C. Hasbrouck – Suspended on a certified record for one year on September 10, 2020, effective October 12, 2020 (243 *N.J.* 547), for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with the client), *RPC* 5.5(a)(1) and Rule 1:28A-2 (practicing while ineligible), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) in three client matters. John P. Johnson, Jr., represented the District IV Ethics Committee and Respondent failed to appear. The respondent was previously disciplined: Censured in 2018.

Steven Blaine Hayhurst – Disbarred by consent on April 30, 2020 (241 *N.J.* 530), after a random audit disclosed that respondent had knowingly misappropriated client funds. Christina Blunda handled the matter for the OAE and Martin

S. Pappaterra represented the respondent. The respondent was previously disciplined: Admonished in 2007. This matter was discovered solely as a result of the Random Audit Compliance Program.

Edward Harrington Heyburn - Censured on December 9, 2020 (244 *N.J.* 427), as a result of a disciplinary stipulation entered into between the OAE and respondent wherein respondent admitted to violating *RPC* 1.15(b) (failure to promptly deliver funds to a third party), *RPC* 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Ryan J. Moriarty appeared before the DRB for the OAE and respondent appeared pro se. The respondent was previously disciplined: Censured in 2013, 2015 and 2018.

Donyale Yvette Hooper-Reavis – Admonished on April 21, 2020 (*Unreported*), for assisting in the preparation and filing of a civil complaint in the Philadelphia County Court of Common Pleas even though she was not a licensed Pennsylvania attorney, in violation of *RPC* 5.5(a)(1). In addition, during the litigation between respondent’s client and the adversary, respondent repeatedly communicated directly with the adversary, despite knowing that he was represented by counsel. Respondent continued to contact the adversary directly, despite being requested to refrain from doing so twice by the adversary’s attorney, in violation of *RPC* 4.2. Albert D. Olizi, Jr., represented District IV and Marc D. Garfinkle represented respondent.

Joseph Peter Howard – Reprimanded on December 10, 2020 (244 *N.J.* 411), 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* 1.16(d)(on termination of the representation, failure to refund the unearned portion of the fee) for his mishandling a Social Security disability matter. Although he responded to the filed complaint and hearing, respondent also violated *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) when he failed to respond to the district ethics investigator’s several requests for his written response during the ethics investigation. Argument was waived before the DRB. Maisie Chin Smith represented DEC IV and respondent was pro se. Respondent was previously disciplined: Censured in 2017.

William L. Huneke - Censured on May 12, 2020 (241 *N.J.* 545), for violating *RPC* 1.15(b) (failure to promptly deliver funds to the client or third party), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) and *RPC* 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Ryan J. Moriarty represented the OAE and respondent was pro se. Respondent was previously disciplined: Censured in 2019. This matter was discovered as a result of the Random Audit Compliance Program.

John Joseph Hutt – Censured on March 16, 2020 (241 *N.J.* 351), for violating *RPC* 1.1(a) and *RPC* 1.3 in one matter by filing a bankruptcy petition that was incorrect and incomplete. He then failed to appear for a hearing, resulting in the dismissal of the petition. Subsequently, respondent filed inadequate petitions attempting to reinstate the petition. He never remedied the deficiencies. He violated *RPC* 1.4(b) by failing to inform the clients about important events in respect of their petition. Moreover, despite repeated requests from subsequent counsel, respondent failed to turn over the clients’ file after his representation was terminated, in violation of *RPC* 1.16(d). In two other matters, respondent failed to cooperate with the investigation, a violation of *RPC* 8.1(b). Robert P. Lang appeared before the DRB for District I and respondent failed to appear despite proper notice. The respondent was previously disciplined: Admonished in 2015 and temporarily suspended in 2017.

Ihab Awad Ibrahim – Censured on June 5, 2020 (242 *N.J.* 147), for knowingly violating *RPC* 1.5(b) (failure to communicate in writing the basis or rate of the fee) and *RPC* 7.1(a)(4)(iii) and (iv) (making false or misleading communications about the attorney’s fees). Steven J. Zweig represented the OAE and Anthony C. Gunst, IV, represented respondent. The respondent was previously disciplined: Reprimanded in 2017 and censured in 2018.

Ulysses Isa - Censured on September 24, 2020 (244 *N.J.* 265), for violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep client reasonably informed about the status of a matter), *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), *RPC* 1.16(d) (on termination of representation, failure to refund the unearned portion of the retainer), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Respondent remains suspended from the practice of law since May 9, 2018, pending compliance with Suspension Orders filed by the Court on May 9, 2018, December 7, 2018, and July 17, 2019. Respondent is required to refund fees to his client and provide proof of fitness to practice law before reinstatement. Jay B. Yacker appeared before the DRB for District VI and respondent waived appearance. Mario M. Blanch represented respondent throughout the hearing stage. The respondent was previously disciplined: Suspended for three months in 2018.

Samuel D. Jackson - Suspended for one year on September 17, 2020, retroactive to February 6, 2019 (244 *N.J.* 193), following conviction in the New York Supreme Court to two counts of second-degree unlawful surveillance, a class E Felony, contrary to New York Penal Law 250.45(4). Hillary Horton represented the OAE and Gerard E. Hanlon

represented respondent on a motion for final discipline before the New Jersey Supreme Court.

Gregg E. Jaclin – Disbarred by consent on October 22, 2020 (244 *N.J.* 318), following his conviction in the United States District Court, Northern District of California, for conspiracy and obstruction of justice after committing securities fraud involving shell companies sold for reverse mergers. Ashley Kolata-Guzik represented the OAE and Donald Lomurro represented the respondent.

Mark H. Jaffe - Reprimanded on January 17, 2020 (240 *N.J.* 433), for violating *RPC* 1.5(b) (failure to communicate the basis or rate of fee in writing to client) and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) in a municipal court matter. Christine M. Juarez represented the District VII Ethics Committee and Spencer B. Robbins represented the respondent. Respondent was previously disciplined: Reprimanded in 2012 and censured in 2017.

Robert Joseph Jeney, Jr. – Reprimanded on July 15, 2020 (243 *N.J.* 195), for violating *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations). Steven J. Zweig represented the OAE and Raymond S. Londa represented respondent. Respondent was previously disciplined: Reprimanded in 2012. This matter was discovered solely as a result of the Random Audit Compliance Program.

James A. Key, Jr. – Reprimanded on June 17, 2020 (242 *N.J.* 154), on a certified record for violations of *RPC* 1.15(d) (failure to comply with the recordkeeping provisions of R. 1:21-6) and *RPC* 8.1 (b) (failure to cooperate with disciplinary authorities.) Jason D. Saunders handled the matter for the OAE and respondent failed to appear. The respondent was previously disciplined: Admonished in 1996; reprimanded in 2007; and censured in 2014. This matter was discovered solely as a result of the Random Audit Compliance Program.

Young Min Kim - Suspended for three years on March 16, 2020 (241 *N.J.* 350), for violations of *RPC* 1.4(b) (failure to communicate with client), *RPC* 5.5(a) (practicing law while suspended), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(d) (engaging in conduct prejudicial to the administration of justice). Al Garcia and Hillary Horton represented the OAE and Gerald Miller represented respondent. Respondent was previously disciplined: Censured in 2015.

Richard David Koppelaar - Reprimanded on May 20, 2020 (242 *N.J.* 132), for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate to client), *RPC* 1.16(c) (failure to comply with applicable law requiring notice to or permission of a tribunal when terminating representation), *RPC* 1.16(d) (failure to protect client's interests on termination of representation), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit

or misrepresentation). Mark F. Heinze represented District IIB and respondent was pro se. Respondent was previously disciplined: Admonished in 2013.

Herbert F. Lawrence - Reprimanded on May 8, 2020 (241 *N.J.* 540), after he stipulated that he violated *RPC* 1.15(d) and R.1:21-6 (failure to comply with recordkeeping requirements) inasmuch as he: (1) failed to prepare and maintain required three-way reconciliations of his attorney trust account (ATA), in violation of R. 1:21-6(c)(1)(H); (2) held inactive trust ledger balances in his ATA for an extended period of time, in violation of R. 1:21-6(d); (3) did not maintain a separate ledger sheet totaling attorney funds held for bank charges, in violation of R. 1:21-6(c) and (d); (4) did not resolve outstanding ATA checks, in violation of R. 1:21-6(d); (5) failed to maintain proper client ledgers, in violation of R. 1:21-6(c)(1)(B); (6) maintained unidentified or unclaimed funds in his ATA for a period in excess of two years, in violation of R. 1:21-6(j); and (7) improperly designated his attorney business account, in violation of R. 1:21-6(a)(2). Johanna Barba Jones appeared before the DRB for the OAE and Robert Panzer appeared for the respondent. The respondent was previously disciplined: Suspended for six months in 2005 (reinstated in 2006) and censured in 2011.

Audwin F. Levasseur – Reprimanded on March 16, 2020, on a certified record (241 *N.J.* 357), for violating *RPC* 5.5(a) (unauthorized practice of law) and *RPC* 8.1(b)(failure to cooperate with disciplinary authorities). Respondent failed to have the requisite malpractice insurance for his incorporated law firm and failed to file an answer to the OAE's complaint. HoeChin Kim represented the OAE and respondent was pro se.

Audwin F. Levasseur – Reprimanded on December 9, 2020, on a certified record (244 *N.J.* 410), for violating *RPC* 1.4(b) (failure to keep client reasonably informed and reply to reasonable requests for information) and *RPC* 8.1(b)(failure to cooperate with disciplinary authorities). Respondent filed a motion to vacate his default with the Disciplinary Review Board, asserting personal reasons for not providing details about his failure to receive mail at his former home address. The Board denied the motion, pointing to the obligation of NJ attorneys to update their home and primary law office addresses with the Lawyers' Fund for Client Protection and the OAE, per Rule 1:20-1(c). Caroline Bartlett represented District VA and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2020.

Michael David Lindner, Jr. – Censured on September 15, 2020 (244 *N.J.* 197), for violations of *RPC* 1.1(a)(gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 1.5(c) (failure to prepare a written fee agreement in a contingent matter), *RPC* 5.5(a)(1) (unauthorized

practice of law for failure to maintain liability insurance while practicing as a limited liability company), *RPC* 8.1(b) (failure to cooperate with ethics authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) in two client matters. HoeChin Kim appeared before the Supreme Court for the District IV Ethics Committee and respondent was pro se. Respondent was previously disciplined: Admonished in 2019.

Estelle Flynn Lord – Admonished on November 23, 2020 (*Unreported*), as a result of a 2018 random audit which revealed recordkeeping deficiencies previously cited in a 2011 random audit as well as additional deficiencies: (1) failing to maintain a separate ledger sheet for attorney funds held for bank charges; (2) permitting inactive trust ledger balances to remain in the attorney trust account (ATA) for an extended period; (3) failing to maintain a separate sheet for each trust client; (4) permitting attorney funds in the ATA to be held in excess of the amount for bank charges; (5) failing to properly designate the attorney business account (ABA); (6) failing to maintain a fully descriptive ABA receipts journal; and (7) failing to retain ABA imaged processed checks. Respondent subsequently corrected all deficiencies. Jason D. Saunders and Colleen Burden represented the OAE and Anthony C. Gunst, IV, represented respondent on a motion for discipline by consent granted by the DRB. This matter was discovered solely as a result of the Random Audit Compliance Program.

Susan A. Lowden – Suspended for six months, on a certified record on March 26, 2020 (241 *N.J.* 495), for mishandling her client’s matrimonial matter and lying to the client about the same, in violation of *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep client reasonably informed about the status of a matter and to promptly reply to reasonable requests for information), *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation), *RPC* 1.5(b) (failure to set forth in writing the rate or basis of the fee), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Christine Cockerill represented District IV and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2014 and censured in 2016.

Thomas Ludwig – Suspended for three months, on a certified record on December 10, 2020, effective January 8, 2021 (244 *N.J.* 412), for violating *RPC* 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Respondent knowingly ignored several orders issued by a judge to resolve an estate matter for which

respondent was the named executor since 2008. Although he cooperated in the OAE investigation, respondent then failed to file an answer to the complaint, resulting in the failure to cooperate charge. HoeChin Kim represented the OAE and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2018.

Bert T. Lundberg - Disbarred by consent on March 3, 2020 (241 *N.J.* 221), following his admission that he knowingly misappropriated escrow and client funds. Amanda Figland represented the OAE and Lennart Carlson represented Respondent.

Donald S. MacLachlan – Disbarred on a certified record on July 1, 2020, (243 *N.J.* 51), for violating *RPC* 1.15(a) (knowing misappropriation of client and/or escrow funds); *RPC* 1.15(b) (failure to promptly disburse funds); *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and the principles of In re Wilson, 81 *N.J.* 451 (1979) and In re Hollendonner, 102 *N.J.* 21 (1985). Steven J. Zweig represented the OAE before the Supreme Court and respondent was pro se. The respondent was previously disciplined: Temporarily suspended in 2019.

Edward Charles Malloy - Suspended for five years on May 7, 2020, effective June 5, 2020 (241 *N.J.* 538), for discipline imposed in Pennsylvania that in New Jersey would constitute violations of *RPC* 1.1(a) (gross neglect), *RPC* 3.1 (asserting an issue with no basis in law or fact), *RPC* 3.2 (failing to make reasonable efforts to expedite litigation and to treat with courtesy and consideration all persons involved in the legal process), *RPC* 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), *RPC* 3.4(e) (alluding to matters that are not relevant or supported by admissible evidence), *RPC* 4.1(a) (making a false statement of material fact or law to a third person), *RPC* 8.2(a) (making a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications of a public legal officer), and *RPC* 8.4(d) (engaging in conduct prejudicial to the administration of justice). Eugene A. Racz represented the OAE on a motion for reciprocal discipline granted by the DRB. The respondent was pro se.

Jason Joseph Mazzei – Disbarred on December 2, 2020 (244 *N.J.* 388), for violating *RPC* 1.1(a) (gross neglect); *RPC* 1.3 (lack of diligence); *RPC* 1.5(a) (fee overreaching); *RPC* 1.15(a) (negligent misappropriation and commingling); *RPC* 1.15(b) (failure to promptly disburse funds to clients or third parties); *RPC* 1.15(c) (failure to segregate property in which both the attorney and client have an interest); *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations); *RPC* 1.17 (improper sale of law

office); *RPC* 5.3(a), (b), and (c)(failure to properly supervise nonlawyer employees); *RPC* 5.5(a)(1) (unauthorized practice of law); *RPC* 8.4(c)(conduct involving dishonesty, fraud, deceit or misrepresentation); and *RPC* 8.4(d) (engaging in conduct prejudicial to the administration of justice). Eugene A. Racz represented the OAE on a Motion for Reciprocal Discipline following Respondent's disbarment in Pennsylvania. Respondent was pro se.

Daniel J. McCarthy - Suspended for two years, on January 15, 2020 (240 *N.J.* 261), based on discipline imposed in Delaware for unethical conduct that in New Jersey constitutes the violation of *RPC* 3.3(a)(2) (failing to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting in an illegal, criminal, or fraudulent act), *RPC* 3.3(a)(4) (offering evidence the lawyer knows to be false and failing to take reasonable remedial measures if the lawyer learns that the evidence is false), *RPC* 3.3(a) (unlawfully obstructing another party's access to evidence or concealing a document having potentially evidentiary value), *RPC* 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), *RPC* 4.1(a)(2) (failing to disclose a material fact to a third person to avoid a criminal or fraudulent act by a client), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Amanda Figland represented the OAE and David S. Cohen represented the respondent on a motion for reciprocal discipline granted by the DRB.

Edward McElroy – Suspended for one year on a certified record, on March 16, 2020, effective April 20, 2020 (241 *N.J.* 358), for violating *RPC* 1.1(a), *RPC* 1.3, *RPC* 1.4(b) and *RPC* 8.4(c) by allowing the complaint of a personal injury client to be dismissed, with prejudice; by failing to take any steps to reinstate the pleading; by concealing from the client and the firm the dismissal of the case, without and with prejudice, by telling the client that his case was about to settle; telling the client that the case did settle; fabricating the release and settlement statement; and failing to inform the client that the \$425,000 “settlement” consisted of personal funds. Jason D. Saunders handled the matter for the OAE and respondent failed to appear.

James Joseph McGuire, Jr. – Admonished on September 18, 2020 (*Unreported*), after an OAE audit revealed recordkeeping deficiencies in violation of Rule 1:21-6. The respondent admitted these deficiencies in his answer to the complaint. The Board found that respondent violated *RPC* 1.15(d). Colleen Burden appeared before the DRB for the OAE and Robert DeGroot appeared for respondent. This matter was discovered as a result of the Trust Overdraft Notification Program.

Howard A. Miller - Reprimanded on a certified record on April 8, 2020 (241 *N.J.* 548), for violating *RPC* 1.15(d) (recordkeeping violations) and *RPC* 8.1(b) (failure to

cooperate with ethics authorities). Timothy J. McNamara represented the OAE and respondent failed to appear. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Craig R. Mitnick – Reprimanded on September 11, 2020 (243 *N.J.* 551), for violating *RPC* 1.8(a) (improper business transaction with a client) following his disciplinary stipulation before the DRB. Eugene A. Racz represented the OAE and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2017.

Brian Joseph Muhlbaier – Admonished on April 21, 2020 (*Unreported*), for recordkeeping deficiencies which constituted violations of *RPC* 1.15(d). Respondent further failed to fully comply with the OAE's requests, in violation of *RPC* 8.1 (b). Christina Blunda represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB.

William J. Munier – Suspended for one year on a certified record, on May 20, 2020, effective June 22, 2020 (242 *N.J.* 133), for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.1(b) (pattern of neglect), *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), *RPC* 1.5(a) (unreasonable fee), *RPC* 1.5(e) (impermissible fee sharing), *RPC* 1.15(a) (failure to safeguard funds), *RPC* 1.16(a)(1) (failure to withdraw from the representation if the representation would result in violation of the Rules of Professional Conduct or other law), *RPC* 1.16(d) (failure to protect a client's interests upon termination of representation), *RPC* 5.3(a) (failure to supervise nonlawyer employees), *RPC* 5.4(a) (fee sharing with nonlawyer), *RPC* 5.4(b) (prohibited partnership with nonlawyer), *RPC* 5.5(a)(1) (unauthorized practice of law), *RPC* 5.5(a)(2) (assisting another in the unauthorized practice of law), *RPC* 7.3(d) (a lawyer shall not compensate or give anything or value to a person or organization to recommend or secure the lawyer's employment by a client, or as a reward for having made a recommendation resulting in the lawyer's employment by a client), *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Steven J. Zweig represented the OAE and the respondent failed to appear.

Seth Asher Nadler – Suspended for one year on March 13, 2020, effective April 10, 2020 (241 *N.J.* 251), for violating *RPC* 8.4(c) by altering his law school transcript to reflect grades that he did not receive and courses that he did not take. He also misrepresented in e-mails, cover letters, and resumes that he had received Honors in Legal Writing and

that he had worked as an Honors Attorney Advisor. Respondent also violated RPC 8.1 (a) when he told the committee investigator that his misrepresentations were committed one time only. Karen E. Bezner appeared before the DRB for District XII and Lee A. Gronikowski appeared for respondent.

Megan A. Natkow - Suspended for six months on August 11, 2020, effective September 9, 2020 (243 *N.J.* 290), for violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 4.1(a)(1) (false statement to a third person), *RPC* 8.4(a) (attempt to violate the *RPCs*, knowingly assist or induce another to do so, or to do so through the acts of another), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Steven J. Zweig represented the OAE on a motion for final discipline granted by the DRB. The respondent was pro se, **Bryan Nazor** - Disbarred by consent on July 21, 2020 (243 *N.J.* 233), following an Indictment filed by the state grand jury charging third-degree conspiracy, in violation of N.J.S.A. 2C:5-1 and third-degree theft by failure to make the required disposition, in violation of N.J.S.A. 2C:20-9. Hillary Horton represented the OAE and Brian J. Neary represented respondent.

David Ryan Nussey – Reprimanded on June 17, 2020 (242 *N.J.* 158), for violations of *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to comply with a client’s reasonable requests for information), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) in his client’s post-divorce matter. Matthew Gindele represented District IV and respondent was pro se.

Raymond Charles Osterbye – Reprimanded on July 30, 2020 (243 *N.J.* 340), for violation of *RPC* 1.15(a) (negligent misappropriation of client funds); *RPC* 1.15(b) (failure to promptly disburse funds to a client or third party); *RPC* 1.15(d) (failure to comply with the recordkeeping requirements of Rule 1:21-6); *RPC* 7.1(a) (a lawyer shall not make false or misleading communications about the lawyer, the lawyer’s services or any matter in which the lawyer has or seeks professional involvement); *RPC* 7.5(e) (false or misleading advertising); and *RPC* 8.1 (b) (failure to cooperate with disciplinary authorities). Johanna Barba Jones represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB. This matter was discovered solely as a result of the Random Audit Compliance Program.

David A. Parinello - Censured on October 22, 2020 (244 *N.J.* 320), for violations of *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with a client), *RPC* 1.16(c) (failure to protect client’s interests upon termination of the representation), and *RPC* 3.2 (failure to expedite litigation). Rachel Doobrajsh

represented District VII and Robert E. Ramsey represented the respondent on a disciplinary stipulation.

Genesis A. Peduto – Admonished on February 24, 2020 (*Unreported*), for failing to set forth in writing the basis of her legal fee in an immigration matter, in violation of *RPC* 1.5(b). Martine Cohen represented District XII and Joseph R. Rem, Jr., represented respondent.

William J. Peiffer - Censured on August 5, 2020 (243 *N.J.* 393), for violating *RPC* 5.3(a), *RPC* 5.3(b), and *RPC* 5.3(c)(2) (failure to supervise non-lawyer employees). Timothy J. McNamara represented the OAE and Robert N. Agre represented respondent on a motion for discipline by consent granted by the Disciplinary Review Board.

Nicholas Penkovsky – Suspended for six months on October 22, 2020 (244 *N.J.* 321), on a motion for reciprocal discipline filed by the OAE following an order of the New York Supreme Court, Appellate Division, First Judicial Department (the New York Court) suspending respondent for three months. Respondent was found guilty of violating New York Rules of Professional Conduct equivalent to New Jersey *RPC* 1.1(a) (gross neglect); *RPC* 1.2(a) (failure to abide by a client’s decisions regarding the scope and objectives of the representation); *RPC* 1.3 (lack of diligence); *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information); *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation); *RPC* 8.4(b) (criminal conduct that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Respondent’s New Jersey law license was administratively revoked on September 12, 2016. Therefore, the effective date of this suspension is the date respondent applies by any process for readmission to the bar of New Jersey. Ashley L. Kolata-Guzik appeared before the DRB for the OAE and respondent failed to appear despite proper notice.

Daryl Sarrell Pennington – Admonished on May 21, 2020 (*Unreported*), for knowingly violating *RPC* 1.1(a) (gross neglect) and *RPC* 1.3 (lack of diligence). John Michael August represented District VA and Bernard K. Freamon represented Respondent.

Alexander Perchekly - Disbarred on October 28, 2020 (244 *N.J.* 422), following a motion for reciprocal discipline based on discipline imposed in New York for unethical conduct that violated New Jersey *RPC* 1.15(a) and In re Wilson, 81 *N.J.* 451 (1979), and In re Hollendonner, 102 *N.J.* 21 (1985) (knowingly misappropriating client and/or escrow funds), and *RPC* 5.5(a) (practicing law while suspended). Hillary Horton represented the OAE and respondent was pro se.

Jeffrey L. Perlman - Suspended for one year on January 31, 2020, retroactive to August 3, 2018 (241 *N.J.* 95), based upon discipline imposed in the Commonwealth of Pennsylvania for conduct that in New Jersey constitutes violations of *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep client reasonably informed of the status of the matter), *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), *RPC* 1.16(a)(1) (failure to withdraw from the representation when continued representation will violate the *RPCs*), and *RPC* 1.16(c) (failure to comply with applicable law requiring notice to or permission of a tribunal when terminating a representation), *RPC* 8.1(d) (failure to cooperate with disciplinary authorities), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Amanda Figland represented the OAE and Howard Z. Kanowitz represented respondent on a motion for reciprocal discipline granted by the DRB. The respondent was previously disciplined: Suspended for one year in 2018 and had not been reinstated prior to receiving the current suspension.

Genia Philip - Censured on January 17, 2020 (240 *N.J.* 434), for failing to file the required Rule 1:20-20 affidavit contrary to *RPC* 8.1(b) (failure to respond to a lawful demand for information from a disciplinary authority) and *RPC* 8.4(d) (conduct contrary to the administration of justice). Hillary Horton represented the OAE on a certification of default and respondent was pro se. Respondent was previously disciplined: Admonished in 2016.

John O. Poindexter, III – Admonished on March 20, 2020 (*Unreported*), for violating *RPC* 1.4(b) by failing to communicate with clients regarding material developments in their foreclosure matter; *RPC* 1.5(b) by failing to provide these clients a writing setting forth the basis or rate of his fee; and *RPC* 1.8(a) by entering into a \$30,000 loan transaction with the client and failing to adhere to the safeguards that rule requires. Finally, based on the findings of a random audit performed by the OAE, respondent admitted that he violated *RPC* 1.15(d) in various respects. Timothy J. McNamara represented the OAE and John McGill, III, represented respondent.

Neal M. Pomper – Suspended in two matters for two years on October 21, 2020, retroactive to September 18, 2019 (244 *N.J.* 317), for violating *RPC* 1.1(a) (commingling of funds), *RPC* 1.15(d) (recordkeeping violations), *RPC* 8.4(b) (criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Ryan J. Moriarty represented the OAE and respondent was pro se on a Disciplinary Stipulation accepted by the Disciplinary Review Board. The

respondent was previously disciplined: Admonished in 2004 and censured in 2009. This matter was discovered solely as a result of the Random Audit Compliance Program.

Nicholas C. Ponzini – Admonished on October 20, 2020 (*Unreported*), for failing to confirm that his father was a licensed attorney while in his employ. The grievance brought to light the fact that respondent’s father had held himself out as a New Jersey and New York attorney since the 1980s and had engaged in the unauthorized practice of law all that time. The DRB determined that respondent violated *RPC* 5.3(a), (b), and (c)(3); *RPC* 7.1(a)(1); and *RPC* 7.5(a). In imposing only an admonition, the Board considered that respondent had no ethics history in fourteen years at the bar; admitted his misconduct and entered into a stipulation; took prompt corrective action, including terminating his father’s employment; submitted three character letters; performed service to the community; and expressed contrition and remorse. The Board also considered that the father purposefully concealed the fact that he was not a licensed attorney from respondent and his family for the duration of his lifetime. Eugene A. Racz represented the OAE and Petar Kuridza represented respondent in a disciplinary stipulation submitted to the DRB.

George W. Pressler – Admonished on March 20, 2020 (*Unreported*), for his improper handling of estate funds in violation of *RPC* 1.15(b) (failure to promptly deliver to the client or third person any funds that the client or third person is entitled to receive). Andrea C. Mackaronis represented District VIII and respondent was pro se. Respondent was previously disciplined: Reprimanded in 1993.

Alfredo Ramos, Jr. – Disbarred on a certified record on January 8, 2020 (240 *N.J.* 267), for violating *RPC* 1.15(a) (knowing misappropriation of client trust funds and failure to safeguard funds); *RPC* 3.3(a)(5) (failure to disclose a material fact to a tribunal); *RPC* 8.1(b)(failure to reply to a lawful demand for information from a disciplinary authority); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and the principles of In re Wilson, 81 *N.J.* 451 (1979) and In re Hollendonner, 102 *N.J.* (1985). Steven J. Zweig represented the OAE and respondent failed to appear. The respondent was temporarily suspended in 2018.

Jamie Ray-Leonetti - Suspended for six months on January 30, 2020 (241 *N.J.* 29), based upon discipline imposed in the Commonwealth of Pennsylvania for unethical conduct that in New Jersey constitutes violations of *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep client reasonably informed about the status of a matter or to promptly comply with reasonable requests for information), *RPC* 1.4(c) (failure to explain matter to the extent reasonably necessary to permit client to make informed decisions regarding the representation), *RPC* 4.1(a)(1) (false statement of material

fact or law to a third person), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Amanda Figland represented the OAE on a motion for reciprocal discipline granted by the DRB and respondent was pro se.

Daniel M. Replogle III – Reprimanded on May 8, 2020 (241 *N.J.* 543), for numerous recordkeeping deficiencies which came to light during the course of the investigation, in violation of *RPC* 1.15(a), *RPC* 1.15(d) and R. 1:21-6. Respondent also ceased to cooperate with disciplinary authorities and failed to attend the district hearing on this matter. Timothy J. McNamara appeared before the DRB for the OAE and respondent failed to appear despite proper notice. This case was discovered solely as a result of the Trust Overdraft Notification Program.

Joseph Ricigliano, Jr. – Reprimanded on January 16, 2020 on a certified record (240 *N.J.* 265), for violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client, and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). William M. Fetkey represented the District VIII Ethics Committee and respondent failed to appear.

Curtis J. Romanowski – Admonished on December 9, 2020 (*Unreported*), for failing to provide a matrimonial client with a fully-executed copy of the retainer agreement and failing to furnish him with billing invoices at regular intervals, both of which Rule 5:3-5 requires in civil family actions. Angela F. Pastor and Risa A. Kleiner appeared before the DRB for District VIII and David B. Rubin appeared for respondent.

Eugenia Ruiz-Uribe – Censured on a certified record on June 18, 2020 (242 *N.J.* 155), for violating *RPC* 1.3 (lack of diligence); *RPC* 1.4(b) (failure to communicate); *RPC* 1.15(b) (failure to promptly disburse funds to a client); *RPC* 1.16(d) (on termination of representation, failure to take steps reasonably practicable to protect a client’s interests); and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Steven J. Zweig represented the OAE and respondent was pro se.

Laura M. Rys – Suspended for six months on a certified record on January 31, 2020 (241 *N.J.* 73), for violating *RPC* 1.15(d) (recordkeeping violations), *RPC* 3.3(a)(5) (failure to disclose a material fact to a tribunal knowing that its omission is reasonably certain to mislead the tribunal), *RPC* 5.5(a)(1) (unauthorized practice of law – practicing while ineligible to do so), *RPC* 8.1(a) (false statement of material fact in connection with a disciplinary matter), *RPC* 8.1(b) (failure to reply to reasonable demand for information from a disciplinary authority), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE and respondent failed to appear. The respondent was previously disciplined:

Temporarily suspended in 2016. This suspension is still in effect.

Laura M. Rys - Suspended for one year on a certified record on July 15, 2020, effective August 1, 2020 (243 *N.J.* 193), in a default matter for violating *RPC* 1.15(b) (failure to promptly disburse funds to a client); *RPC* 8.1(a) (false statement of material fact in connection with a disciplinary matter); *RPC* 8.1(b) (failure to cooperate with disciplinary authorities); and *RPC* 8.4(c) (dishonesty, fraud, deceit or misrepresentation). Reid Adler represented the OAE and respondent was pro se. Respondent was previously disciplined: Temporarily suspended in 2016 and suspended for six months in 2020.

Lawrence B. Sachs – Reprimanded on April 9, 2020 (241 *N.J.* 525), on a disciplinary stipulation for violating *RPC* 1.15(a) (failure to safeguard funds, negligent misappropriation) and *RPC* 1.15(d) (recordkeeping violations). Ryan J. Moriarty appeared before the DRB for the OAE and respondent appeared pro se.

Benjamin G. Schneider – Reprimanded on September 10, 2020 (243 *N.J.* 546), after respondent stipulated that he violated *RPC* 1.8(a) (improper business transaction with a client), *RPC* 1.15(a) (commingling), and *RPC* 1.15(d) (failure to comply with the recordkeeping provisions of R. 1:21-6). Ryan J. Moriarty appeared before the DRB for the OAE and Lee A. Gronikowski appeared for the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

Wayne A. Schultz - Suspended for six months on March 25, 2020, effective April 24, 2020 (241 *N.J.* 492), for violating *RPC* 1.7(a) (conflict of interest); *RPC* 1.8(a) (improper business transaction with a client); *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations); *RPC* 8.1(a) (knowingly making a false statement of material fact to a disciplinary authority); and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Timothy J. McNamara represented the OAE and Respondent appeared at the hearing but waived his appearance before the DRB.

Joel Lee Schwartz – Reprimanded on January 17, 2020 (240 *N.J.* 431), for violating *RPC* 1.5(b) (failure to set forth the basis or rate of the legal fee in writing). Lisa M. Radell appeared before the DRB for District I and John A. Zohlman, III, appeared for the respondent. Respondent was previously disciplined: Censured in 2013.

James Michael Scott, III - Censured on July 6, 2020 (243 *N.J.* 75), for violating *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects) by willfully failing to file income tax returns and pay taxes due in violation of 26 U.S.C. § 7203. Amanda Figland represented the OAE and Robert Ramsey represented

respondent on a disciplinary stipulation accepted by the DRB.

Daniel E. Serata – Admonished on May 26, 2020 (*Unreported*), for violating *RPC* 1.15(a) (negligent misappropriation of client funds) and *RPC* 1.15(d) (failure to comply with the recordkeeping provisions of Rule 1:21-6). Ryan Moriarty represented the OAE and respondent appeared pro se on a motion for discipline by consent granted by the DRB. This matter was discovered solely as a result of the Random Audit Compliance Program.

Mark R. Silber – Reprimanded on September 25, 2020 (244 *N.J.* 266), for violating *RPC* 1.6(a)(1) (revealing confidential client information); *RPC* 1.7(a)(2) (engaging in a conflict of interest); *RPC* 1.8(b) (using client information to the client’s detriment); and *RPC* 1.16(d) (failing to protect a client’s interests on termination of the representation). Patricia M. Love represented District VIII and respondent was pro se.

Chander P. Singh – Disbarred by consent on June 11, 2020 (242 *N.J.* 150), after respondent admitted that he could not successfully defend himself against pending charges involving the knowing misappropriation of client and/or escrow funds. Ryan J. Moriarty represented the OAE and Peter W. Latimer represented the respondent.

Kevin D. Sisco – Admonished on April 21, 2020 (*Unreported*), for violating *RPC* 1.1 (a) (gross neglect); *RPC* 1.3 (lack of diligence); and *RPC* 1.4(b) (failure to communicate with a client) in a matrimonial matter; and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Michael E. Damico handled the matter for District XI and Ronald J. Ricci represented respondent.

Darryl George Smith - Censured on March 13, 2020 (241 *N.J.* 250), for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter), *RPC* 1.4(c) (failure to explain a matter to a client to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), *RPC* 8.1(a) (knowingly making a false statement of material fact to disciplinary authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Daniel P. D’Alessandro represented District VI and Daniel J. Walsh represented Respondent.

Keith T. Smith - Disbarred on September 17, 2020, effective immediately (244 *N.J.* 191), following an Order to Show Cause on which he did not appear, for violations of *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE and respondent was pro se. Respondent was previously disciplined: Admonished in 2008, censured in

2011 and 2018, suspended for three months twice in 2018, and suspended for six months in 2019.

Thomas H. Speranza – Disbarred by consent on January 23, 2020 (240 *N.J.* 478), following a three-year suspension in Pennsylvania for his knowing misappropriation of client and firm funds. Ashley Kolata-Guzik represented the OAE and Jon M. Demasi represented the respondent.

R. Alexander Stiles – Reprimanded on July 16, 2020 (242 *N.J.* 523), for violating *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation in connection with the execution of a false jurat on an amended Will). Eugene A. Racz represented the OAE before the DRB and Gary W. Moynen represented respondent.

Robert V. Stiles – Reprimanded on July 16, 2020 (242 *N.J.* 523), for violating *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation in connection with the execution of a false jurat on an amended Will). Eugene A. Racz represented the OAE before the DRB and Gary W. Moynen represented respondent.

David Andrew Ten Broeck - Censured on June 17, 2020 (242 *N.J.* 152), for violating *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer) after respondent was arrested and charged with possession of a controlled dangerous substance (cocaine) for which he enrolled in and completed the Pretrial Intervention Program. Ryan J. Moriarty handled the matter for the OAE and respondent was represented by Marc D. Garfinkle.

Richard B. Thompson – Disbarred on January 16, 2020 (240 *N.J.* 263), for violating *RPC* 8.4(b) (commission of criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and *RPC* 8.4(d)(conduct prejudicial to the administration of justice). Respondent pled guilty to one count of fourth-degree falsifying records, in violation of N.J.S.A. 2C:21-4(a), after systematically falsifying official court records in motor vehicle cases while serving in public office as a municipal court judge in nine jurisdictions. Eugene A. Racz represented the OAE before the Supreme Court and Robert E. Ramsey represented respondent.

Emery Z. Toth – Censured on February 13, 2020 (241 *N.J.* 130), for knowingly violating *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information). Andrea C. Mackaronis represented District VIII and George J. Otlowski represented respondent. The respondent was previously disciplined: Reprimanded in 2009 and admonished in 2018.

Walter Toto - Censured on March 16, 2020 (241 *N.J.* 359), for violating RPC 1.15(a) (negligent misappropriation of client or escrow funds and commingling of personal and trust funds), RPC 1.15(d) and Rule 1:21-6 (recordkeeping deficiencies), RPC 8.1(a) (false statement of material fact to disciplinary authorities) and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Joseph Glyn represented the OAE on a disciplinary stipulation and Marc Garfinkle represented the respondent. This matter was discovered through the Trust Overdraft Notification Program.

Joseph Vaccaro - Censured on August 5, 2020 (243 *N.J.* 286), for violating RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to communicate with client), RPC 3.2 (failure to expedite litigation), RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), RPC 3.4(d) (failure to make reasonably diligent efforts to comply with legally proper discovery requests by an opposing party), and RPC 8.4(d) (conduct prejudicial to the administration of justice). Ryan J. Moriarty represented the OAE and respondent appeared pro se on a motion for discipline by consent granted by the Disciplinary Review Board.

Vincent S. Verdiramo – Admonished on January 21, 2020 (*Unreported*), for violating RPC 1.15(a) (negligent misappropriation of client funds), RPC 1.15(d) (failure to comply with the recordkeeping provisions of Rule 1:21-6), and RPC 5.3(a) and (b) (failure to supervise non-attorney staff). Respondent's long-time secretary stole almost \$150,000 from his attorney trust account without his knowledge. Eugene A. Racz appeared before the DRB for the OAE and Robert J. DeGroot represented respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

Thomas Frank Verrastro – Admonished on June 4, 2020 (242 *N.J.* 144), for knowingly violating RPC 7.1(a)(1) and (2) (making false or misleading communications about the lawyer, the lawyer's services, or any matter in which the lawyer has or seeks a professional involvement). Eugene A. Racz represented the OAE and respondent was pro se.

Abraham C. Weiss - Disbarred by consent on January 3, 2020 (240 *N.J.* 266). Hillary Horton represented the OAE and Kim D. Ringler represented respondent.

Thomas J. Whitney – Disbarred on a certified record on December 1, 2020 (*N.J.* ___), for multiple violations of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to communicate with client), RPC

1.15(a) (failure to safeguard client property), RPC 1.16(d) (on termination of representation, failure to surrender papers and property to which the client is entitled and to refund unearned fee), 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). Ryan J. Moriarty represented the OAE on an Order to Show Cause before the Supreme Court and respondent failed to appear.

William S. Winters- Suspended for an indeterminate period of time, effective January 30, 2020 (241 *N.J.* 28), pursuant to Rule 1:20-15A(a)(2), for violating RPC 1.15(a) (negligent misappropriation of client funds, and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Joseph Glyn appeared before the DRB for the OAE and John McGill, III, appeared for the respondent. Steven J. Zweig handled the matter for the OAE before the Supreme Court. The respondent was previously disciplined: Temporary suspension in 2015 and censured in 2017.

Joel S. Ziegler - Suspended for three months on June 5, 2019, effective July 6, 2020 (242 *N.J.* 145), on two separate matters (DRB 19-223 and DRB 19-273) that were consolidated for the purpose of issuing a single form of discipline. In DRB 19-223, a direct filing pursuant to Rule 1:20-6(c)(1), respondent admitted violating RPC 1.5(b) (failure to set forth in writing the basis or rate of the fee) and RPC 5.5(a)(1) (unauthorized practice of law). In DRB-19-273, respondent violated RPC 1.15(a) (commingling and failure to safeguard client funds), RPC 1.15(d) (recordkeeping), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Steven J. Zweig represented the OAE in DRB 19-273 and Eugene A. Racz represented the OAE in DRB 19-223. The respondent was pro se. The respondent was previously disciplined: Reprimanded in 2009.

Leticia Zuniga – Admonished on March 20, 2020 (*Unreported*), for failing to provide discovery in a civil litigation matter where respondent represented the defendant, causing his answer to be stricken, and for failing to appear in court despite warnings from the judge, in violation of RPC 1.3 (Diligence), RPC 3.2 (Expediting Litigation), RPC 3.4(C) (knowingly disobeying an obligation under the rules of a tribunal), RPC 8.1(B) (knowingly failing to respond to a lawful demand for information from a disciplinary authority) and RPC 8.4(D) (engaging in conduct that is prejudicial to the administration of justice). Steven Stadtmauer represented District XI 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 2020, a total of 133 such actions were undertaken, including: transfers to disability-inactive status; prosecutions for contempt of a Supreme Court Order to cease practicing law by suspended or disbarred lawyers; diversionary actions by which attorneys who commit “minor unethical conduct” may avoid discipline if they complete specific conditions; reinstatement proceedings where suspended attorneys seek to again practice law; and matters where disciplined lawyers are monitored for a period of time after discipline is imposed.

A. DISABILITY-INACTIVE STATUS

Disability-Inactive Status is imposed by the Supreme Court where an attorney lacks the mental or physical capacity to practice law. *R. 1:20-12*. While often imposed in conjunction with an attorney disciplinary investigation or prosecution, this status is, by itself, non-disciplinary in nature. During 2020, a total of seven (7) attorneys were the subject of a disability-inactive Order. This represents an decrease from 2019 when eight (8) attorneys were so transferred. Prior years’ results were: 2018 – 6; 2017 – 2; and 2016 – 4. During this 5-year period, an average of 5 lawyers per year were placed into disability-inactive status.

B. CONTEMPT

Prosecutions for contempt of Supreme Court orders under *R. 1:20-16(j)* is another category of cases entrusted to the OAE. These actions involve the improper, continued practice of law by suspended and disbarred attorneys. The OAE may file and prosecute an action for contempt before the Assignment Judge of the vicinage where the respondent engaged in the prohibited practice of law. It also has the authority to file disciplinary complaints against offending attorneys seeking sanctions for their violations. There were no prosecutions for contempt of Supreme Court orders in 2020.

C. DIVERSIONS

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

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

During calendar year 2020, a total of 53 matters were approved for diversion by the OAE Director. By the end of the year, 38 diversions were successfully completed and 53 were still pending from 2020 and prior years. Occasionally, some respondents agree to diversion and then fail to complete the agreed conditions. This year, no respondent failed to complete the conditions of diversion, so no matter that had proceeded to diversion had to be returned to a district committee for the filing of a formal complaint. In 2019, 72 diversions were approved. During the last five years, an average of 60 diversions were approved annually. The most common diversion offenses for 2020 were: Money - Recordkeeping (18); Money - Other Categories of Violation (6); and Neglect (3).

The condition most commonly imposed in diversion cases required the attorney to complete the New Jersey State Bar Association's Ethics Diversionary Education Course (47). Other required conditions included: completion of a course in New Jersey Trust and Business Accounting (24); letters of apology (2); fee refund (2); and additional continuing legal education (1). During the prior year (2019), attendance at the Bar Association's Diversionary Course was also the primary remedial condition (64).

D. REINSTATEMENT PROCEEDINGS

A suspended attorney may not practice again until the attorney first files a reinstatement application, and the Supreme Court grants the request by order. The application is reviewed by the OAE, the Review Board and the Supreme Court. There is no procedure for a disbarred attorney to apply for reinstatement since disbarment is permanent. *In re Wilson*, 81 N.J. 451, 456 n.5 (1979) and *R. 1:20-15A(a)(1)*. Where the attorney is suspended for over six months, a reinstatement petition may not be made until after expiration of the time period provided in the suspension Order. *R. 1:20-21(a)*. Where the suspension is for six months or less, the attorney may file a petition and publish the required public notice 40 days prior to the expiration of the suspension period. *R. 1:20-21(b)*. The Supreme Court reinstated twenty-one (21) attorneys in 2020, which was 16.7% more than in 2019.

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, 2020, fifty-two (52) attorneys were subject to monitoring.

VI. DISCIPLINARY STRUCTURE

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

Attorney Discipline System

Supreme Court of New Jersey

Reviews all Decisions of the DRB Recommending Disbarment;
Finalizes all Other Board Decisions of Discipline by Entry of Appropriate Order by the Clerk of the Supreme Court;
May Review any DRB Decision on the Court's own Motion or on Petition of the Respondent or the OAE;
Issues Emergent Orders of Suspension;
Acts on Reinstatements

Disciplinary Review Board

Reviews Recommendations for Discipline *de novo* on the Record on Notice to all Parties in Matters Prosecuted by the OAE or DEC's;
Reviews all Recommendations for Admonitions and Consent Matters Only as to the Recommended Sanction;
Imposes Admonitions;
Issues Decisions of Reprimands, Censure or Suspension Which Become Final on Entry of Supreme Court Order;
Recommends Disbarment in Decisions to be Reviewed by the Supreme Court;
Hears Appeals of Fee Arbitration Determinations, and of Ethics Cases Dismissed after Investigation or after Hearing;
Makes Recommendations as to Reinstatement from Suspension;
Imposes and Collects Disciplinary Costs;
Reviews Recommendations for Discipline Filed by Committee on Attorney Advertising

Office of Attorney Ethics

Investigates and Prosecutes Complex and Emergent Cases;
Investigates Criminal, Reciprocal and Other Assigned Matters;
Assists and Supports District Ethics Committees;
Argues All Cases Before Supreme Court;
Secures Emergent Suspensions from Practice

18 District Ethics Committees

Investigate and Prosecute Standard Misconduct Cases, with Volunteer Attorneys as Investigators and Presenters;
Secretaries (Attorneys) Screen Inquiries and Docket Grievances;
Volunteer Attorney and Public Members Conduct Hearings and Issue Hearing Reports

Figure 7

A. DISTRICT ETHICS COMMITTEES (DECs)

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

1. *Members and Officers of the DECs*

The DECs consist of volunteer members who investigate, prosecute and decide disciplinary matters. For the 2020-2021 term of service, there were 685 volunteer members appointed by the Supreme Court (556 attorneys and 129 public members) serving *pro bono* across the state. The DEC leadership consists of three officers (all attorneys): a chair, who serves as the chief executive officer responsible for all investigations; a vice chair, who is responsible for all cases in the hearing stage; and a secretary, who is not a member of the DEC and who serves as the administrator of that DEC. The secretary receives and screens all inquiries and grievances. The secretary functions as the DEC's link to the public, fielding all calls from members of the public and the Bar and providing information about the grievance and disciplinary process. While secretaries receive an annual emolument to defray the expenses related to their duties, they are nonetheless volunteers, as are all of the members of the DECs.

District Ethics Committee Officers, as of September 1, 2020

CHAIR	VICE CHAIR	SECRETARY
District I - Atlantic, Cape May, Cumberland and Salem Counties		
Sarah Blumberg Weinstock, Esq.	Matthew W. Ritter, Esq.	Christopher C. Fallon, III, Esq.
District IIA – Bergen – North		
Nancy Ann Del Pizzo, Esq.	Jason D. Roth, Esq.	Kevin P. Kelly, Esq.
District IIB - Bergen County – South		
Helene C. Herbert, Esq.	James B. Sepowitz, Esq.	William Tellado, Esq.
District IIIA - Ocean County		
Thomas C. McCoy, Esq.	Richard H. Archer, Jr., Esq.	Steven Secare, Esq.
District IIIB - Burlington County		
Carlo Scaramella, Esq.	John M. Hanamirian, Esq.	Cynthia S. Earl, Esq.
District IV - Camden and Gloucester Counties		
Melissa Brown, Esq.	Thomas McKay, III, Esq.	John M. Palm, Esq.
District VA - Essex County – Newark		
David M. Puteska, Esq.	John C. Garde, Esq.	Natalie S. Watson, Esq.
District VB - Essex County - Suburban Essex		
George D. Lordi, Esq.	Arla D. Cahill, Esq.	Paula I. Getty, Esq.
District VC - Essex County - West Essex		
George D. Lordi, Esq.	John R. Cascarano, Esq.	Paula I. Getty, Esq.
District VI - Hudson County		
Daniel P. D'Alessandro, Esq.	Richard D. DeVita, Esq.	Maria P. Vallejo, Esq.
District VII - Mercer County		
Elizabeth A. Smith, Esq.	Christopher Josephson, Esq.	John J. Zefutie, Esq.

District VIII - Middlesex County		
Phillip Netti, Esq.	Peter A. Vignuolo, Esq.	Barry J. Muller, Esq.
District IX - Monmouth County		
Claire Scully, Esq.	Justin M. English, Esq.	Mark B. Watson, Esq.
District XA – East Morris and Sussex Counties		
Gregory J. Bevelock, Esq.	Kevin J. O’Connor, Esq.	Caroline Record, Esq.
District XB – West Morris and Sussex Counties		
Robert D. Correale, Esq.	Jeffrey Zenna, Esq.	Caroline Record, Esq.
District XI - Passaic County		
Mary Tom, Esq.	Richard J. Baldi, Esq.	Michael Pasquale, Esq.
District XII - Union County		
Richard M. Cohen, Esq.	Thomas G. Russomano, Esq.	Michael F. Brandman, Esq.
District XIII - Hunterdon, Somerset and Warren Counties		
Paul Loeffler, Esq.	Anne M. Mohan, Esq.	Donna P. Legband, Esq.

Figure 8

2. Investigations

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

3. Complaints

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

4. Hearing Panels

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

5. Office of Attorney Ethics

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

B. DISCIPLINARY REVIEW BOARD

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

The Review Board's primary responsibility is to review reports by hearing panels and special ethics masters finding unethical conduct and recommending discipline, and to decide OAE motions for final or reciprocal discipline. If a matter comes to it on a recommendation for admonition, the Review Board may issue a written letter of admonition without scheduling oral argument. Matters in which the recommended discipline is a reprimand, censure, suspension or disbarment are routinely scheduled for oral argument. The respondent may appear *pro se* or by counsel. The presenter of an Ethics Committee or OAE Ethics Counsel appears to prosecute the matter. If the Review Board determines that a reprimand or greater discipline should be imposed, its written decision is reviewed by the Supreme Court, which then issues the final Order imposing discipline.

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

During 2020, OAE ethics counsel appeared before the Review Board to argue a total of 69 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 the Chief Justice and six Associate Justices. Supreme Court Justices are appointed by the Governor and confirmed by the State Senate for an initial term of seven years. On reappointment, they are granted tenure until they reach the mandatory judicial retirement age of 70. The current Chief Justice, Stuart Rabner, was appointed to the Supreme Court in 2007 and tenured in 2014. The other members of the Supreme Court are Justice Jaynee LaVecchia (appointed in 2000; tenured in 2007); Justice Barry T. Albin (appointed in 2002; tenured in 2009); Justice Anne M. Patterson (appointed in 2012; tenured in 2018); Justice Faustino J. Fernandez-Vina (appointed in 2014); Justice Lee A. Solomon (appointed in 2014); and Justice Fabiana Pierre-Louis (appointed in 2020).

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

The OAE represents the public interest in all cases before the Supreme Court. During 2020, OAE ethics counsel appeared a total of 18 times for oral argument in disciplinary cases. Arguments are televised in real time via streaming video technology over the Internet. Arguments can be accessed from the Judiciary's Website at www.njcourtsonline.com by clicking on the WEBCAST icon.

D. FINANCING ATTORNEY DISCIPLINE

1. Annual Attorney Registration Fee

The attorney disciplinary system in New Jersey is funded exclusively from the Supreme Court's annual mandatory registration assessment on lawyers. No taxpayers' money is used. The assessment constitutes dedicated funds earmarked exclusively for the attorney discipline and fee arbitration systems. *R.1:20-2(b)*. The annual billing also funds the Lawyers' Fund for Client Protection, *R.1:28-2* (which reimburses clients whose monies have been taken by lawyers through dishonest conduct), as well as the Lawyers' Assistance Program (which helps lawyers with alcohol, substance abuse and other problems). For calendar year 2020, the total annual fee assessed for most lawyers (those admitted between 5 to 49 years) was \$212. Of this amount, \$146 was earmarked for attorney discipline, \$46 for the Lawyers' Fund, \$10 for Lawyers' Assistance, \$4 for Continuing Legal Education, and \$6 for the Board of Bar Examiners.

2. Comparison to Other Jurisdictions

New Jersey attorneys pay among the lowest mandatory annual registration fees in the country. A July 1, 2020, survey prepared by the OAE for the National Organization of Bar Counsel, Inc., showed that New Jersey ranked 6th in attorney size (with 98,932 attorneys) out of 51 United States jurisdictions. The survey also demonstrated that the Garden State ranked 43rd (at \$212) in the amount of mandatory fees required to practice. In 2019, New Jersey also ranked 6th in attorney size and 43rd in mandatory fees.

3. Disciplinary Oversight Committee

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

The Oversight Committee for 2020 consisted of six attorneys (Matthew O'Malley, Esq., Chair; R. James Kravitz, Esq., Vice-Chair; Paris P. Eliades, Esq.; Hon. Nesle A. Rodriguez, J.S.C.; Ronald J. Uzdavinis, Esq.; and Rhasheda Seneca Douglas, Esq.), and five public members (Mr. Luis J. Martinez, Mr. Philip Abram, Ms. Nora Poliakoff, Mr. Barry Davidson, and Ms. Judith E. Burgis), all of whom serve *pro bono*.

The annual disciplinary budget for calendar year 2020 was \$13,015,754. Sixty percent (60%) was allocated to the OAE and 19% to the Review Board. The balance was apportioned as follows: District Ethics Committees (7%), Random Audit Compliance Program (7%), Attorney Registration Program (3%), District Fee Arbitration Committees (3%) and Oversight Committee (1%).

E. OFFICE OF ATTORNEY ETHICS

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

The OAE has programmatic responsibility for 18 District Ethics Committees, which investigate and prosecute grievances alleging unethical conduct against attorneys. It also administers 17 District Fee Arbitration Committees (Fee Committees), which hear and determine disputes over legal fees between attorneys and clients. Likewise, the OAE conducts the Random Audit Compliance Program, which undertakes random audits of

private law firm trust and business accounts to ensure that mandatory recordkeeping practices are followed. The OAE also oversees the collection and analysis of Annual Attorney Registration Statement data, which provides demographic and private practice information about all New Jersey lawyers, including trust and business accounts.

Importantly, the OAE also is vested with exclusive investigative and prosecutorial jurisdiction in certain types of matters, such as emergent, complex or serious disciplinary cases, matters where an attorney has been criminally charged, cases where an attorney is the subject of reciprocal discipline from another United States jurisdiction, matters involving allegations against a sitting Superior Court or Appellate Division judge concerning conduct while the judge was an attorney, multijurisdictional practice matters, charges against in-house counsel, cases where Ethics Committees have not resolved an investigation within a year, and any case referred by the Review Board or the Supreme Court. *R. 1:20-2(b)*.

1. OAE Legal Group

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

2. Administrative Group

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

3. Support Group

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

4. Complex Investigative Group

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

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

5. *District Ethics Group*

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

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

VII. ATTORNEY FEE ARBITRATION

A. HISTORY AND PURPOSE

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

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

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

B. ADMINISTRATION

The OAE administers the district fee arbitration system, pursuant to the Rules of the New Jersey Supreme Court. First Assistant Ethics Counsel Jason D. Saunders is currently serving as the OAE's interim Statewide Fee Arbitration Coordinator. The OAE Fee Arbitration Unit was staffed during 2020 by an administrative assistant, with clerical support. The OAE Fee Arbitration Unit provides assistance to the district fee secretaries and to committees in all aspects of fee arbitration cases. For the 2020-2021 term of service on the fee arbitration committees, there were 402 members appointed by the Supreme Court (278 attorneys and 124 public members, in addition to the 16 secretaries serving in each district, 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.

District Fee Arbitration Committee Officers, as of September 1, 2020

Figure 9

CHAIR	VICE CHAIR	SECRETARY
District I – Atlantic Cape May, Cumberland and Salem Counties		
Henry Jacob Kowalski, Esq.	Beth White, Esq.	Michael A. Pirolli, Esq.
District IIA – North Bergen County		
Elsbeth Jane Crusius, Esq.	Todd I. Siegel, Esq.	Terrence J. Corrison, Esq.
District IIB – South Bergen County		
Brian E. Shea, Esq.	David T. Robertson, Esq.	Michael J. Sprague, Esq.
District IIIA – Ocean County		
Adam J. Steurman, Esq.	Marguerite Kneisser, Esq.	Lisa E. Halpern, Esq.
District IIIB – Burlington County		
Linda A. Rinaldi, Esq.	Andrew L. Rochester, Esq.	Albert M. Afonso, Esq.
District IV – Camden and Gloucester Counties		
Barry W. Rosenberg, Esq.	Sharon A. Ferrucci, Esq.	Marian I. Kelly, Esq.
District VA – Essex County – Newark		
Jeffrey Bernstein, Esq.	Michael J. Dee, Esq.	Jodi Rosenberg, Esq.
District VB – Essex County – Suburban Essex		
Lisa Besson Geraghty, Esq.	Tanya L. Freeman, Esq.	Harvey S. Grossman, Esq.
District VC Essex County – West Essex		
Lorraine S. Gauli-Rufo, Esq.	Ana Rita Ferreira, Esq.	Peter J. Kurshan, Esq.
District VI – Hudson County		
Jeffrey Marc Bloom, Esq.	Michael Ross Shulman, Esq.	Marvin R. Walden, Jr., Esq.
District VII – Mercer County		
Michael L. Rosenberg, Esq.	Christine V. Bator, Esq.	William P. Isele, Esq.
District VIII – Middlesex County		
Steven Nudelman, Esq.	Deborah A. Rose, Esq.	William P. Isele, Esq.
District IX – Monmouth County		
Michael A. Irene, Jr., Esq.	Thomas J. Smith, III, Esq.	Robert J. Saxton, Esq.
District X – Morris and Sussex Counties		
Gregory David Ric Behringer, Esq.	Linda A. Mainenti Walsh, Esq.	Marcy M. McMann, Esq.
District XI – Passaic County		
Laurie Wynn Fiedler, Esq.	Santiago D. Orozco, Esq.	Jane E. Salomon, Esq.
District XII – Union County		
Elijah Johnson, Jr., Esq.	Victoria Danielle Miranda, Esq.	Carol A. Jeney, Esq.
District XIII – Hunterdon, Somerset and Warren Counties		
Diana N. Fredericks, Esq.	Everett Edwin Gale, Esq.	Olivier J. Kirmser, Esq.

1. *Filing for Fee Arbitration*

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

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

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

2. *Arbitration Hearings*

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

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

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

3. *Appeals*

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

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

- 3) actual fraud on the part of any member of the Fee Committee; and
- 4) palpable mistake of law by the Fee Committee, which led to an unjust result.

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

D. ANNUAL CASELOAD

In 2020, Fee Committees handled a total of 978 matters, including new cases filed and those that reached a disposition during that year. The committees began the year with 392 cases pending from 2019. During the year, 586 new matters were added. **Figure 10**. A total of 583 cases were disposed of, leaving a balance of 395 matters pending at year’s end. At the conclusion of 2020, the average number of cases pending before each of the 17 Fee Committees was 23.2 cases per district.

The 586 new filings received in 2020 involved claims against roughly .8% of the active New Jersey attorney population (73,068). Some areas of practice (matrimonial, in particular) involve high billings for legal fees, over the course of protracted litigation. Many such cases are filed as fee arbitration disputes per year.

Changes in Fee Disputes

Year	Filings	Change
2020	586	-26.4%
2019	796	-6.9%
2018	855	-1.5%
2017	868	-12.0%
2016	986	-

For a more nuanced view of what these numbers may indicate, the number of fee arbitration cases filed with the district committees each year (586 in 2020) 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.

Figure 10

1. Financial Results

During 2020, District Fee Committees arbitrated matters involving a total of over \$7.4 million in legal fees, which represents a 27% decrease from the \$10.1 million in legal fees handled during 2019. 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 310 hearings during 2020, involving more than \$6.8 million in total attorneys’ fees charged. In 36.1% of the cases (112 hearings), the hearing panels upheld the attorney fees in full. In the balance of 61% of the fee cases (189 hearings), the hearing panels reduced the attorney fees by a total of more than \$1.2 million, which represents 29.7% of the total billings subject to reduction (\$1.2 million out of the total of \$4.2 million subject to reduction).

For an overview of the amounts at issue, the 189 cases in which the attorney fee was reduced by the hearing panel may be broken into the following categories:

\$0 to \$1,000 – 50 cases
\$1,001 to \$2,000 – 26 cases
\$2,001 to \$5,000 – 54 cases
\$5,000 to \$10,000 – 30 cases
\$10,001 to \$20,000 – 16 cases
\$20,001 to \$50,000 – 8 cases
Over \$50,000 – 5 cases

For *all* cases which proceeded to a hearing with an Arbitration Determination issued by the hearing panel, the average amount billed was \$22,253. The median amount billed was \$10,373. The average amount of the reductions in all cases which proceeded to an Arbitration Determination was \$6,676, with a median reduction amount of \$2,683.

It should be noted that the parties reached settlement without a hearing in an additional 109 cases. The total fees at issue in the cases settled by the parties involved \$533,914 in attorney fees. The attorneys agreed to a reduction in fees without going to a hearing in 40 of those cases (36.7% of the total cases settled by stipulation).

2. *Age of Caseload*

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

Of the 583 cases that proceeded from file-opening to case-closing in calendar year 2020, 63.1% reached disposition in fewer than 180 days (368 out of 583 total cases). The Fee Committees resolved 215 less cases in that interval than during the preceding calendar year, when 583 cases out of a total caseload of 849 were resolved in under 180 days. The data for 2020 shows that the Fee Committees resolved almost 31.3% fewer cases overall than during the preceding calendar year. One hundred and thirty-four (134) of the total cases resolved during 2020 were resolved within 60 days of filing. For 2019, 227 cases were resolved that quickly.

E. NATURE OF CASES

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

Over the past five years, family actions (including matrimonial, support and custody cases) have consistently generated the most fee disputes (32.9%) on average. Criminal matters (including indictable, quasi-criminal and municipal court cases) ranked second in frequency (14.8%). Third place was filled by General Litigation at 10%. Real Estate, at

3.9%, came in fourth place, and Contract Matters came in fifth place at 3.1%. The overall filings fit into an additional 20 legal practice areas.

F. ENFORCEMENT

The Fee Arbitration Unit follows up when a client reports that he or she has not been paid by the attorney the full amount of the refund owed, as set forth by the Arbitration Determination or a stipulation of settlement. This follow-up has been required in 20 to 30 cases per year, over the past five years. The OAE issues a warning letter if the attorney has not paid the full amount of the fee award within the 30-day payment period. If the attorney thereafter does not send payment in full to the client within the 10-day period specified in the warning letter, the OAE may file a motion for the temporary suspension of the attorney. Such motions are heard by the Disciplinary Review Board, which sends any recommendation of suspension to the Supreme Court. The Supreme Court has ordered an average of eleven (11) attorneys to be suspended each year over the past five years as a result of such motions, with the attorneys' terms of suspension continued until they submitted proof of payment in full to the clients, along with the payment of any additional monetary sanction relating to the costs of the enforcement proceedings.

VIII. RANDOM AUDIT COMPLIANCE PROGRAM

A. PURPOSE

1. *Safeguarding Public Confidence*

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

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

Over 39 years after RAP first began, the conclusion is that the overwhelming majority of private New Jersey law firms (98.6%) account for clients' funds honestly and without incident. While technical accounting deficiencies are found and corrected, the fact is that only 1.4% of the audits conducted over that period have found serious ethical violations, such as misappropriation of clients' trust funds. Since law firms are selected randomly for audit on a statewide basis, the selections and, therefore, the results are representative of the handling of trust monies by private practice firms. These results should give the public and the Bar great trust and confidence in the honesty of lawyers and their ability to handle monies entrusted to their care faithfully.

2. *Auditing Objectives*

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

B. ADMINISTRATION

The OAE administers RAP. In 2020, the RAP staff was managed by Chief Auditor Joseph Strieffler, who joined the OAE in 1998. Other staff included two Senior Random Auditors: Mimi Lakind, Esq., and Justin A. Mendyk, a Certified Public Accountant and Certified Fraud Examiner; as well as four Random Auditors: Tiffany Keefer, Troy Spencer, Kristi Rosenberg, and Jessica Cruz, who was hired on June 15, 2020.

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 ensures 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 52 years. It is the uniform accounting standard for all audits. This Rule, which incorporates generally accepted accounting practices, also specifies in detail the types of accounting records that must be maintained and their location. It also requires monthly reconciliations, prohibits overdraft protection and the use of ATM's for trust accounts, and requires a seven-year records retention schedule.

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

E. AUDITING PROCEDURES

1. Scheduling

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

2. Record Examination

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

3. Notice of Deficiency

The deficiency checklist is followed by a letter confirming the exit conference and describing any shortcomings for which corrective action is necessary. An acknowledgement of receipt and a response of corrections, and in some instances a certification, must be filed with RAP within 45 days of the date of the letter, specifying how each deficiency has, in fact, been rectified. If the confirming letter is received from the attorney, the case is closed. If the letter is not received, a final ten-day letter advises that,

if no confirming letter is received within ten days, a disciplinary complaint will be issued. When a complaint is filed, discipline is the uniform result. *In re Schlem*, 165 N.J. 536 (2000).

F. COMPLIANCE THROUGH EDUCATION

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

G. DISCIPLINARY ACTIONS

Each year RAP's staff of experienced auditors uncovers a small, but significant, number of cases of lawyer theft and other serious financial violations. This past year, the following thirteen (13) attorneys, detected solely by RAP, were disciplined by the Supreme Court (**Figure 11**).

Figure 11

2020 RAP Sanctions				
Attorney	County	Sanction	Citation	Violation
Abramson, Loretta D.	Hunterdon	Reprimand	241 NJ 536	Money - Other [1.15]
Brenner, Yanky	Ocean	Censure	244 NJ 267	Money - Other [1.15]
Clemente, Jonathan D.	Morris	Reprimand	241 NJ 489	Misrepresentation [8.4(c)]
Garruto, Andrew F.	Essex	Admonition	241 NJ 549	Money - Recordkeeping [1.15(d)]
Hayhurst, Steven B.	Middlesex	Disbarment by Consent	241 NJ 530	Money - Knowing Misappropriation [1.15]
Jeney, Robert J. Jr.	Union	Reprimand	243 N.J. 195	Money - Negligent Misappropriation [1.15]
Key, James A. Jr.	Middlesex	Reprimand	242 NJ 154	Money - Recordkeeping [1.15(d)]
Lord, Estelle F.	Union	Admonition		Money - Recordkeeping [1.15(d)]
Osterbye, Raymond C.	Monmouth	Reprimand	243 N.J. 340	Non-Cooperation [8.1(b)]
Pomper, Neal M.	Middlesex (formerly)	Suspension (24 months)	244 NJ 317	Money - Commingling [1.15(a)]
Schneider, Benjamin G.	Warren	Reprimand	243 NJ 546	Money - Recordkeeping [1.15(d)]
Serata, Daniel E.	Hudson	Admonition		Money - Recordkeeping [1.15(d)]
Verdiramo, Vincent S.	Hudson	Admonition		Money - Negligent Misappropriation [1.15]

During the 39 years of RAP’s operation, serious financial misconduct by 234 attorneys was detected solely as a result of being randomly selected for audit. These attorneys received the following discipline: 106 attorneys were disbarred; 19 were suspended for periods of three months to two years; 20 were censured; 62 were reprimanded; and 27 received admonitions. The vast majority of the matters detected were very serious disciplinary cases that resulted in disbarment or suspension. Disbarred (106) and suspended (19) attorneys account for more than five in ten of all attorneys disciplined as a result of RAP’s efforts (53.4%). However, discipline alone does not adequately emphasize the full importance of RAP’s role over the past 39 years and the monies potentially saved as a result by the Lawyers’ Fund for Client Protection (Fund). One need only contemplate how many more millions of dollars might have continued to be misappropriated during this period if RAP had not detected and commenced the process

which resulted in the imposition of discipline on these attorneys. Moreover, deterrence is a general goal in all true random programs (e.g., bank examiner's audits, DWI checkpoints, etc.). While it is not easy to quantify either the number of attorneys who were deterred or the tens of millions of dollars in thefts that may have been prevented due to a credible and effective random program, the positive effect is, nevertheless, an important and undeniable component of this effort.

IX. ATTORNEY REGISTRATION

A. ATTORNEY POPULATION

As of the end of December 2020, there were a total of 97,971 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 decreased by 0.37% in 2020. With a general population of 8,882,371, there is now one lawyer for every 90 Garden State citizens.

According to a July 1, 2020 survey compiled by the OAE for the National Organization of Bar Counsel, Inc., a total of 2,174,054 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 4.52% of the July national total.

Attorneys Admitted

Year	Number
1948	8,000
1960	9,000
1970	11,000
1980	21,748
1990	43,775
2000	72,738
2010	87,639
2019	98,331
2020	97,971

Figure 12

B. ADMISSIONS

As of December 31, 2020, the attorney registration database counted a total of 98,588¹ New Jersey-admitted attorneys. Forty-six point one percent (46.1%) were admitted since 2001 and almost 24% were admitted between 1991-2000. The other thirty point thirty four percent (30.34%) were admitted in 1990 or earlier.

Breakdowns by periods are: 1950 and earlier - 92 (.09%); 1951-1960 - 584 (.59%); 1961-1970 - 2,586 (2.62%); 1971-1980 - 8,422 (8.54%); 1981-1990 - 18,237 (18.5%); 1991-2000 - 23,215 (23.55%); 2001-2010 - 23,790 (24.13%); and 2011-2020 - 21,662 (21.97%).

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

YEAR ADMITTED		
Year	Number	Percent
<1950	92	0.09%
1951-1955	185	0.19%
1956-1960	399	0.40%
1961-1965	811	0.82%
1966-1970	1,775	1.80%
1971-1975	3,768	3.82%
1976-1980	4,654	4.72%
1981-1985	7,383	7.49%
1986-1990	10,854	11.01%
1991-1995	12,133	12.31%
1996-2000	11,082	11.24%
2001-2005	10,833	10.99%
2006-2010	12,957	13.14%
2011-2015	14,632	14.84%
2016-2020	7,030	7.13%
Totals	98,588	100.00%

Figure 13

C. ATTORNEY AGE

Of the 98,588 attorneys for whom some registration information was available, 98,381 (99.8%) provided their date of birth. A total of 207 attorneys (0.2%) did not respond to this question.

Attorneys in the 50-59 age range comprised the largest group of attorneys admitted to practice in New Jersey at more than twenty-three percent (23.12%, or 23,030). The 30-39 year category comprised 23.05%, or 22,963 lawyers. More than twenty-one percent (21.51%, or 21,422) were between the ages of 40-49. The fewest numbers of attorneys were in the following age groupings: 29 and under (2.44%, or 2,429), 60-69 (17.33%, or 17,258) and 70 and older (12.56%, or 12,509). **(Figure 14)**

AGE GROUPS		
Age	Number	Percent
< 25	84	0.09%
25-29	2,325	2.36%
30-34	10,117	10.28%
35-39	12,518	12.72%
40-44	11,097	11.28%
45-49	10,057	10.22%
50-54	12,029	12.23%
55-59	10,819	11.00%
60-64	9,502	9.66%
65-69	7,581	7.71%
70-74	5,876	5.97%
75-80	3,411	3.47%
> 80	2,965	3.01%
Totals	98,381	100.00%

Figure 14

D. OTHER ADMISSIONS

More than seventy-seven percent (77.08%) of the 98,588 attorneys for whom some registration information was available were admitted to other jurisdictions. Slightly less than twenty-three percent (22.92%) of all attorneys were admitted only in New Jersey. (Figures 15 & 16)

OTHER ADMISSIONS		
Admissions	Attorneys	Percent
Only In New Jersey	22,601	22.92%
Additional Jurisdictions	75,987	77.08%
Totals	98,588	100.00%

Figure 15

ADMISSIONS IN OTHER JURISDICTIONS

Jurisdiction	Admissions	Percent	Jurisdiction	Admissions	Percent
New York	46,091	46.71%	Indiana	117	0.12%
Pennsylvania	26,859	27.22%	West Virginia	136	0.14%
District of Col.	6,836	6.93%	South Carolina	112	0.11%
Florida	3,431	3.48%	Vermont	112	0.11%
California	2,016	2.04%	Kentucky	80	0.08%
Connecticut	1,746	1.77%	Rhode Island	98	0.10%
Massachusetts	1,507	1.53%	Oregon	90	0.09%
Maryland	1,198	1.21%	Hawaii	71	0.07%
Delaware	845	0.86%	New Mexico	76	0.08%
Illinois	780	0.79%	Alabama	66	0.07%
Virginia	836	0.85%	Virgin Islands	65	0.07%
Texas	717	0.73%	Kansas	53	0.05%
Georgia	590	0.60%	Iowa	44	0.04%
Colorado	497	0.50%	Arkansas	36	0.04%
Ohio	464	0.47%	Oklahoma	40	0.04%
North Carolina	369	0.37%	Puerto Rico	33	0.03%
Michigan	301	0.31%	Utah	39	0.04%
Arizona	299	0.30%	Alaska	29	0.03%
Minnesota	216	0.22%	Montana	30	0.03%
Missouri	209	0.21%	Mississippi	26	0.03%
Washington	229	0.23%	Nebraska	39	0.04%
Tennessee	175	0.18%	Idaho	15	0.02%
Wisconsin	166	0.17%	North Dakota	13	0.01%
Louisiana	130	0.13%	South Dakota	6	0.01%
New Hampshire	126	0.13%	Guam	2	0.00%
Nevada	119	0.12%	Wyoming	0	0.00%
Maine	128	0.13%	Invalid Responses	377	0.38%
			Total Admissions	98,685	100.00%

Figure 16

E. PRIVATE PRACTICE

Of the 98,588 attorneys on whom registration information was tabulated, 36,902 stated that they engaged in the private practice of New Jersey law, either from offices within New Jersey or at locations elsewhere. **Figure 17.** A little over thirty-seven percent (37.4%) of the attorneys engaged in the private practice of New Jersey law, while more than 62% (62.6%) did not practice in the private sector.

Of those who engaged in the private practice of New Jersey law, close to fifty-nine percent (58.71%) practiced full-time, almost twenty-one percent (20.67%) rendered legal advice part-time, and just over twenty percent (20.33%) engaged in practice occasionally (defined as less than 5% of their time). A little under .3 percent (.29%) of responses were unspecified.

Private Practice of New Jersey Law

PRIVATE PRACTICE OF NEW JERSEY LAW		
Response	Number	Percent
NO	61,671	62.6%
YES	36,902	37.4%
Full-time	21,664	
Part-time	7,628	
Occasionally	7,503	
Unspecified	107	
Total	98,573	100%

Figure 17

1. Private Practice Firm Structure

Of the 36,902 attorneys who indicated they were engaged in the private practice of New Jersey law, 98.6% (36,386) provided information on the structure of their practice. The largest group were partners at 32.5% (11,828). Over thirty-one percent (31.4%) of the responding attorneys practiced in sole proprietorships (sole practitioners (10,231) plus sole stockholders (1,177)). Associates were at 26.2% (9,520), followed by attorneys who were of counsel with 7.5% (2,714), and other than sole stockholders with 2.5% (916).

Private Practice Firm Structure

PRIVATE PRACTICE STRUCTURE		
Structure	Number	Percent
Sole Practitioner	10,231	28.12%
Sole Stockholder	1,177	3.23%
Other		
Stockholders	916	2.52%
Associate	9,520	26.16%
Partner	11,828	32.51%
Of Counsel	2,714	7.46%
Total	36,386	100.00%

Figure 18

2. Private Practice Firm Size

More than ninety-nine percent (99.7% or 36,805) of those attorneys who identified themselves as being engaged in the private practice of law indicated the size of the law firm of which they were a part. Just over thirty percent (30.1%, or 11,063) said they practiced alone; 8.6% (3,160) worked in two-person law firms; 12.5% (4,616) belonged to

law firms of 3-5 attorneys; 27.9% (10,283) were members of law firms with 6-49 attorneys, and 20.9% (7,683) worked in firms with 50 or more attorneys.

SIZE OF LAW FIRMS		
Firm Size	Number	Percent
One	11,063	30.09%
Two	3,160	8.65%
3 to 5	4,616	12.56%
6 to 10	3,567	9.56%
11 to 19	2,774	7.64%
20 to 49	3,942	10.78%
50 >	7,683	20.73%
Total	36,902	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 36,902 attorneys who indicated they engaged in the private practice of New Jersey law. A total of 36,805 (99.7%) indicated the size of their law firm. In each firm size category that was non-exclusive (i.e., other than 1 or 2), the total number of attorneys responding was divided by the mid-point in that category. For firms in excess of 50 attorneys, the total number of attorneys responding was divided by 50. Three-quarters of all law firms (75.1%) were solo practice firms, while just over 6% had 6 or more attorneys.

NUMBER OF LAW FIRMS				
Size Of Law Firm	Number Of Attorneys	Firm Size Midpoint	Number Of Firms	Individual Category %
One	11,063	1	11,063	75.09%
Two	3,160	2	1,580	10.75%
3 to 5	4,616	4	1,154	7.85%
6 to 10	3,567	8	446	3.03%
11 to 19	2,774	15	185	1.26%
20 to 49	3,942	35	113	0.77%
50 >	7,683	50	154	1.05%
Total	36,805		14,695	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, more than seventy-four percent (74.03%) of New Jersey attorneys (27,328) have a bona fide office in the state. Almost twenty-six percent (25.9%) of New Jersey attorneys (9,574) had offices located in other jurisdictions: New York 11.6% (4,286), Pennsylvania 12.5% (4,598), Delaware less than 1% (121), and various other United States jurisdictions represent 1.5% (569). This data is not available for 15 attorneys (.04%).

BONA FIDE LAW OFFICE		
State	Number	Percent
New Jersey	27,328	74.03%
Pennsylvania	4,598	12.45%
New York	4,286	11.61%
Delaware	121	0.33%
Other	569	1.54%
No State Listed	15	0.04%
Total	36,917	100%

Figure 21

5. *Bona Fide Private Office Locations*

Practically all of the 27,328 attorneys engaged in private practice of New Jersey law from offices located within this state indicated the New Jersey County in which their primary bona fide office was located. Essex County housed the largest number of private practitioners with 15.66% (4,276), followed by Bergen County with 13.08% (3,570). Morris County was third at 12.19% (3,328), and Camden County was fourth with 8.88% (2,425).

ATTORNEYS WITH BONA FIDE OFFICES					
County	Number	Percent	County	Number	Percent
Atlantic	586	2.15%	Middlesex	1,706	6.25%
Bergen	3,570	13.08%	Monmouth	2,030	7.44%
Burlington	1,471	5.39%	Morris	3,328	12.19%
Camden	2,425	8.88%	Ocean	715	2.62%
Cape May	162	0.59%	Passaic	788	2.89%
Cumberland	153	0.56%	Salem	40	0.15%
Essex	4,276	15.66%	Somerset	969	3.55%
Gloucester	372	1.36%	Sussex	211	0.77%
Hudson	950	3.48%	Union	1,504	5.51%
Hunterdon	294	1.08%	Warren	133	0.49%
Mercer	1,619	5.93%	No County Listed	2	0.01%
Total			27,304 100.00%		

Figure 22