

# 2021 STATE OF THE ATTORNEY DISCIPLINARY SYSTEM REPORT

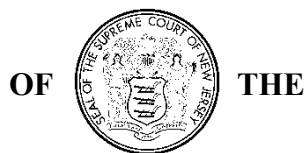
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**Hon. Stuart Rabner**  
Chief Justice  
Supreme Court of New Jersey

**Charles Centinaro**  
Director  
Office of Attorney Ethics

# OFFICE OF ATTORNEY ETHICS



## SUPREME COURT OF NEW JERSEY

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May 20, 2022

**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 (OAE), this thirty-eighth issue of the State of the Attorney Disciplinary System Report.

The lingering effects of the COVID-19 coronavirus pandemic, combined with significant staffing changes in the OAE, negatively impacted the OAE's ability to process its cases. As will be delineated below, and in the body of this report, time goal compliance decreased and the age of investigations and hearings increased. Now that the pandemic appears to be under control, we hope, absent unusual circumstances, to see increasing improvements in case processing.

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

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

- Forty-three (43) fewer attorneys were disciplined in 2021 (total: 124) than in 2020 (total: 167).
- New investigations decreased by 11.6% during 2021 (total: 768) from the filings in 2020 (total: 869).
- New formal complaints (and other charging documents) decreased by 30% percent in 2021 (total: 166) compared to 2020 (total: 237).
- OAE's yearly average investigative time goal compliance decreased by 11% during 2021, from 73% in 2020 to 62% in 2021.
- District Ethics Committees' yearly average time goal compliance for 2021 decreased by 4%, from 61% in 2020 to 57% in 2021.
- OAE Ethics Counsel appeared before the Supreme Court on 32 occasions for oral argument in 2021, an increase of 14 appearances, over 18 in 2020.

- District Fee Arbitration Committees handled a total of 824 cases involving over \$7.4 million in legal fees during 2021, as had also occurred in 2020.
- The Random Audit Compliance Program conducted 487 audits of law firms in 2021, up from 454 in 2020.
- Eleven (11) lawyers were disciplined (including four disbarments) through the detection efforts of the Random Audit Compliance Program. Thirteen (13) such attorneys had been disciplined in 2020.
- As of December 31, 2021, the attorney population was 98,957 – one attorney for every 94 New Jersey citizens. That is an increase of just over a thousand attorneys since 2020.
- The Garden State ranks 6<sup>th</sup> in the nation in the number of attorneys admitted to practice, with that ranking unchanged from 2020.
- New Jersey ranks 43<sup>rd</sup> in the country in annual attorney licensing fees charged (at \$212). That fee and ranking are the same as in 2020.
- A total of seven (7) lawyers were disciplined in 2021 due to the Trust Overdraft Notification Program. That total is the same as in 2020.

As always, the OAE 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

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## **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*. The continuation of the COVID-19 pandemic and the surge in new cases toward the latter part of 2021, as well as staffing changes at the OAE, negatively impacted our ability to comply with these time goals.

#### *1. Investigations*

##### **a. Time Goal Compliance**

As the COVID-19 pandemic continued, the OAE's compliance with the Supreme Court's time goals for investigating cases decreased from 73% for 2020 to 62% for 2021. The Ethics Committees' average time goal compliance for the year decreased from 61% for 2020 to 57% for 2021.

##### **b. Backlog**

Correspondingly, the OAE's average backlog increased by 11% to 38% for 2021, and the percentage of investigations over one year old as of December 31, 2021, increased to 38%. The backlog of the Ethics Committees increased by 4% to 43%.

##### **c. Age of Investigations**

The average age of the OAE's pending investigations increased from 196 days for 2020 to 241 days for 2021. The average age of the Ethics Committees' pending investigations also increased, from 177 days for 2020 to 194 days for 2021.

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

In 2021, fewer new investigations were added to the joint docket of the OAE and Ethics Committees than in 2020. Specifically, 768 new investigations were commenced in 2021, as opposed to 869 investigations in 2020. Stated differently, new investigations decreased by 11.6% in 2021.

#### *2. Complaints*

##### **a. Number of Complaints Filed**

The OAE and Ethics Committees filed fewer complaints in 2021 than in 2020. One hundred and sixty-six (166) complaints were added in 2021, compared to the 237 complaints added in 2020. In other words, complaints decreased by 30%.

b. Dispositions

In 2021, the OAE and Ethics Committees disposed of 194 complaints, four more than in 2020.

c. Age of Hearings

In 2021, the average age of the OAE's disposed hearings decreased by 14 days. The average age of the Ethics Committees' disposed hearings in 2021, however, increased, by 147 days.

## **B. TWELFTH 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 Twelfth Annual Training Conference was held virtually on November 17, 2021. As this was the second year providing remote training, the OAE could confidently offer increased course choice, including concurrent sessions. This provided unique challenges but also unique rewards, such as increased attendance.

Justice Barry T. Albin delivered the Opening Remarks for the Twelfth Annual Training Conference. Justice Albin thanked the members of the fee and ethics committees as well as the judicial staff who work on ethics matters on behalf of the Supreme Court. He acknowledged the opportunities and limitations of remote proceedings and thanked the volunteers for their commitment to public service. He expressed a desire for the continued elevation of professionalism and efficiency in the delivery of legal services in general, and the investigation and adjudication of ethics matters in particular. His remarks were thoughtful, appreciative and very well-received.

Justice Albin's remarks were followed by five workshops designed to meet the specific training needs of those involved in the screening, investigation, prosecution, and adjudication of attorney disciplinary matters. As remote operations continued into the second year of the pandemic, each workshop was focused, at least in part, on virtual operations. The first training session on "Ethics Investigations" provided practical tips and training in how to efficiently and thoroughly investigate grievances during a time when meeting in person was not possible. The second session on "Ethics Hearings" provided practical and technical tips and training on how to effectively present an ethics case in a virtual Zoom courtroom setting. The third session was an examination of "The DRB in Detail," and included real-time instruction on conducting legal research on the DRB website, along with tips for presenting concise and effective oral arguments before the Board. The fourth time slot included concurrent sessions lending attendees a choice between "Alternative Resolutions" to ethics matters, or a discussion of "Fee Arbitration." The session on alternative resolutions included a discussion of the drafting and utility of Agreements in Lieu of Discipline and Motions for Discipline by Consent, and the use of Disciplinary or Factual Stipulations to streamline ethics matters prior to hearing.



A total of 572 individual users attended the online conference for at least part of the day and 109 individual users logged on to the Fee Arbitration concurrent session in the afternoon.

**C. DISCIPLINE**

A total of 124 attorneys were sanctioned by the New Jersey Supreme Court in 2021. (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 2020, 167 attorneys were sanctioned. Therefore, 25.7% 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 2021 with a total of 755 investigations carried over from prior years. During the year, 768 new investigations were added for a total disposable caseload of 1,523. A total of 712 investigations were completed and disposed of, leaving a total of 811 pending investigations at year's end. Of that number, 155 were in untriable status, leaving an active pending investigative caseload of 656 matters.

During 2021, the number of grievances docketed and assigned for investigation (768) decreased by 11.6%, compared to the 869 new filings recorded in 2020. **(Figure 1)**.

## Changes in Investigations

Year	Filings	Change
2021	768	-11.6%
2020	869	-29.2%
2019	1,227	.2%
2018	1,224	-7.1%
2017	1,318	-

**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 2021, only 1.03% of the 74,358 active lawyers as of December 31, 2021 had grievances docketed against them. (**Figure 2**).

## Lawyer-Grievance Analysis

Year	Filings	Lawyers*	Percent
2021	768	74,358	1.03%
2020	869	73,068	1.19%
2019	1,227	74,391	1.65%
2018	1,224	75,207	1.63%
2017	1,318	75,131	-

\* 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 2021 was 62%, 11% lower than for 2020. The average time goal compliance rate at the Ethics Committee level decreased from 61% for 2020 to 57% for 2021.

The OAE's average age of pending investigations increased from 196 days for 2020 to 241 for 2021. The average age of pending investigations of the Ethics Committees also increased, from 177 days in 2020 to 194 days for 2021.

The OAE's average backlog of investigations increased from 27% for 2020 to 38% for 2021. The average backlog of the Ethics Committees increased from 39% for 2020 to 43% for 2021.

### 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 29), 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 2021 with a total of 291 complaints carried over from prior years. During the year, 166 new complaints were added for a total disposable caseload of 457. A total of 194 complaints were disposed of through the hearing process, leaving 263 pending complaints at year's end. Of that number, 31 were in untriable status, leaving an active pending caseload of 232 complaints.

The number of new formal complaints filed in 2021 (166) decreased by 30% from 2020 (237). The number of complaints filed in each of the last five years is listed in **Figure 3**.

#### Changes in Complaints

Year	Filings	Change
2021	166	-30%
2020	237	-4.4%
2019	248	-14.8%
2018	291	-11%
2017	327	-

**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. Since August of 2020, all disciplinary hearings have proceeded virtually utilizing the Zoom platform due to the COVID-19 pandemic.

#### 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 2021, the average age of the OAE's disposed hearings decreased by 14 days, from 492 days in 2020 to 478 days in 2021. The average age of the disposed hearings of the Ethics Committees increased by 147 days, from 398 days in 2020 to 545 days in 2021.

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 schedules of the finder of fact and the parties, the complexity of the cases, and the length of time to write and issue decisions.

### III. SANCTIONS

#### A. TYPES OF DISCIPLINARY SANCTIONS

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

#### B. FINAL DISCIPLINE

Final discipline is imposed by the Supreme Court. The Supreme Court imposes final discipline after the attorney is first afforded an opportunity for a disciplinary hearing either at the trial level and/or after the Disciplinary Review Board (Review Board) concludes *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 32 times for oral argument in discipline cases in 2021. Arguments are streamed in real time over the Internet and can be accessed at the Judiciary's Website -- [www.njcourtsonline.com](http://www.njcourtsonline.com) -- by clicking on the WEBCAST icon.

In 2021, the Supreme Court imposed final discipline on 106 New Jersey attorneys. Prior years' totals were: 149 in 2020; 143 in 2019; 174 in 2018, and 156 in 2017. **Figure 5** at pages 11-14 contains a list of all final and emergent actions, as well as all reinstated attorneys for 2021.

##### 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, usually 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 106 final sanctions imposed in 2021 include 18 disbarments by Order of the Supreme Court, 7 disbarments by consent of the respondent, 27 term suspensions, 0 indeterminate suspension, 20 censures, 15 reprimands, and 19 admonitions.

Comparisons of 2021 sanctions with the prior year are as follows: disbarments by Order of the Supreme Court increased by 80% (18 vs. 10); disbarments by consent decreased by 30% (7 vs. 10); term suspensions decreased by 34.1% (27 vs. 41); censures decreased by 31% (20 vs. 29); reprimands decreased by 48.3% (15 vs. 29); and admonitions decreased by 34.5% (19 vs. 29).

**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 2021, a total of 18 attorneys were the subject of emergent sanctions (18 temporary suspensions). This is the same as in 2020. Prior years' results were: 2019 (31 temporary suspensions); 2018 (33 temporary suspensions); and 2017 (36 temporary suspensions). During that five-year period, an average of 27 lawyers were subject to emergent action. The names of attorneys emergently disciplined are listed on page 13 **[Figure 5]**.

In 2021, the leading reasons for emergent discipline were: non-payment of fee arbitration committee awards at 39% (7 cases); non-cooperation with disciplinary authorities, at 39% (7 cases); other, at 11% (2 cases); knowing misappropriation of clients' trust funds at 6% (1 case); and the attorney's conviction of a "serious crime" as defined in R.1:20-13, also at 6% (1 case).

#### **D. TOTAL DISCIPLINE**

In total, 124 attorneys were sanctioned by the New Jersey Supreme Court in 2021, whereas 167 attorneys were sanctioned in 2020 (representing a decrease of 25.7%). Sanction totals for previous years were as follows: 174 in 2019; 207 in 2018; and 192 in 2017. The average number of sanctions over the past five years is 173. The number of attorneys sanctioned in 2021 is 28.3% lower than this five-year average.

**Five-Year Sanction Trend**

<b>Year</b>	<b>Attorneys Disciplined</b>
2021	124
2020	167
2019	174
2018	207
2017	192

**Figure 4**



**OFFICE OF ATTORNEY ETHICS  
YEARLY DISCIPLINE REPORT**

**(1/1/2021 to 12/31/2021)**

**DISBARMENT (18 )**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
ALJALUDI, ZAK A	2009	BERGEN	09/15/2021	09/15/2021
ANDERSON, ROSEMARIE	2000	BERGEN	10/21/2021	10/21/2021
BRADLEY, MICHAEL FRANCIS	1997	PENNSYLVANIA	03/17/2021	03/17/2021
BRENT, ADAM LUKE	2003	GLOUCESTER	06/30/2021	06/30/2021
BROWN, STEPHANIE JULIA	2006	GLOUCESTER	09/28/2021	09/28/2021
CONNER, JOHN KELVIN	1991	PENNSYLVANIA	11/30/2021	11/30/2021
FREIDMAN, EVGENY ALENDER	1997	NEW YORK	04/29/2021	04/29/2021
HAHN, SANGHWAN	1994	BERGEN	07/07/2021	07/07/2021
HAND, STEPHANIE A.	2000	ESSEX	12/02/2021	12/02/2021
HOOPEs, ROBERT PATRICK	1989	PENNSYLVANIA	03/04/2021	03/04/2021
JUPIN, ANGELA	1997	SOMERSET	09/28/2021	09/28/2021
LAURENZO, DIANNE E	2003	BERGEN	07/07/2021	07/07/2021
LOWDEN, SUSAN A	1991	CAMDEN	10/14/2021	10/14/2021
LUTHMANN, RICHARD A	2004	MIDDLESEX	06/16/2021	06/16/2021
MASON, GARY L	1990	MONMOUTH	01/12/2021	01/12/2021
PHILIP, GENIA C	2000	ESSEX	02/03/2021	02/03/2021
RACHUBA, ANTHONY S IV	2001	PENNSYLVANIA	10/14/2021	10/14/2021
SOGLIUZZO, JOHN B	1981	ESSEX	10/06/2021	10/06/2021

**DISBARMENT BY CONSENT (7)**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
BOTTON, MICHAEL	1998	MONMOUTH	11/18/2021	11/18/2021
KHAWAM, DAVID J.	2001	BURLINGTON	03/02/2021	03/02/2021
KIM, PETER HYUN	1995	BERGEN	05/13/2021	05/13/2021
LERNER, BRUCE W	1969	NEW YORK	07/20/2021	07/20/2021
RYAN, VIRGINIA S	1989	ESSEX	08/17/2021	08/17/2021
VALANDINGHAM, ELIZABETH ANNE	2002	MORRISTOWN	12/01/2021	12/01/2021
WILLIAMSON, THOMAS D	1976	MIDDLESEX	03/09/2021	03/09/2021

**SUSPENSION TERM (27)**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
BERAN, BARRY J - 36 mo.	1981	CAMDEN	10/05/2021	09/24/2023
BERAN, BARRY J - 36 mo. (Concurrent)	1981	CAMDEN	10/05/2021	09/24/2023
BERNOT, ROBERT J - 36 mo.	1982	HUNTERDON	05/05/2021	05/05/2021
BROWN, STEPHANIE JULIA - 3 mo.	2006	GLOUCESTER	06/03/2021	06/03/2021
CAPRIGLIONE, SCOTT JOSEPH - 12 mo.	1988	MERCER	05/19/2021	06/16/2021
CARUSO, DOMINIC V - 6 mo.	1979	PASSAIC	10/06/2021	11/05/2021
CHOI, YOCHAN - 24 mo.	2003	NEW YORK	11/17/2021	11/17/2021
COTTEE, STUART THOMAS - 3 mo.	1999	PENNSYLVANIA	09/13/2021	10/12/2021
GILBERT, STEPHEN C - 3 mo.	1972	MORRIS	09/22/2021	10/22/2021

GORDON, RICHARD C. - 3 mo.	2000	CONNECTICUT	11/05/2021	12/03/2021
GRUBER, SAUL GARY - 6 mo.	1988	FLORIDA	08/19/2021	09/17/2021
HANAMIRIAN, MICHAEL ALBERT - 12 mo.	1988	PENNSYLVANIA	02/10/2021	03/12/2021
HIGGINS, CHRISTOPHER ROY - 3 mo.	2012	SOMERSET	06/17/2021	07/15/2021
HIGGINS, CHRISTOPHER ROY - 3 mo. (Concurrent)	2012	SOMERSET	06/17/2021	07/15/2021
IANNUZZELLI, AMANDA J - 36 mo.	2011	PENNSYLVANIA	11/03/2021	11/03/2021
JONES, STEPHEN ROBERT - 12 mo.	2006	FLORIDA	03/11/2021	03/16/2020
KASSEM, NABIL NADIM - 3 mo.	1994	PASSAIC	12/09/2021	02/07/2020
LOWDEN, SUSAN A - 24 mo.	1991	CAMDEN	01/14/2021	09/26/2020
MORTON, BENJAMIN - 3 mo.	1998	ESSEX	01/14/2021	02/10/2021
MUNIER, WILLIAM J - 3 mo.	1991	BERGEN	06/03/2021	06/23/2021
OH, WON YOUNG - 3 mo.	2011	GEORGIA	05/05/2021	06/01/2021
SAUNDERS, DARRYL M. - 3 mo.	1990	UNION	09/15/2021	09/15/2021
SEGAL, DAWN A - 36 mo.	1984	PENNSYLVANIA	04/29/2021	04/29/2021
SILEBI, LILIANA - 36 mo.	1992	BERGEN	11/17/2021	11/17/2021
TOBIAS, FRANK A - 6 mo.	1992	MIDDLESEX	11/17/2021	12/20/2021
TRAN, EMILY ANNE - 3 mo.	2017	NEW YORK	05/06/2021	06/03/2021
WILLIAMS, MARSHALL L - 24 mo.	1984	PENNSYLVANIA	02/10/2021	03/12/2021

#### **CENSURE (20)**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
ARTUSA, SANTO V JR	2009	HUDSON	05/06/2021	05/06/2021
BAILEY, ADAM LEITMAN	1995	NEW YORK	11/18/2021	11/18/2021
BLANEY, BRYAN	1987	ESSEX	01/14/2021	01/14/2021
DALEY, CHARLES CANNING JR	1985	OCEAN	05/20/2021	05/20/2021
DEL VACCHIO, RICHARD	1993	HUNTERDON	11/18/2021	11/18/2021
FENSKE, KARL A	1977	MORRIS	02/10/2021	02/10/2021
FRIEZE, CARY J	1972	MORRIS	12/09/2021	12/09/2021
HIGGINS, CHRISTOPHER ROY	2012	SOMERSET	06/17/2021	06/17/2021
INGILIAN, ARAM	2001	BERGEN	06/03/2021	06/03/2021
KLEIN, MOISHIE M	2000	OCEAN	08/19/2021	08/19/2021
LA VAN, JULIA ANNA	2006	BURLINGTON	11/18/2021	11/18/2021
LUCID, KARINA PIA	2002	SOMERSET	10/14/2021	10/14/2021
ORTELERE, DOUGLAS F	1983	PENNSYLVANIA	02/10/2021	02/10/2021
REGAN, KEVIN MICHAEL	1999	ESSEX	11/08/2021	11/08/2021
RESNICK, STEVEN	1998	ESSEX	11/10/2021	11/10/2021
SINGER, LEONARD S	1973	PASSAIC	05/27/2021	05/27/2021
SMITH, MICHAEL COLLINS	2013	DELAWARE	07/08/2021	07/08/2021
SMITS, ANNMARIE P	1994	PASSAIC	09/14/2021	09/14/2021
TOBIN, IRVING	1957	UNION	12/09/2021	12/09/2021
WEINSTEIN, MIRIAM B	2000	OCEAN	05/27/2021	05/27/2021

#### **PUBLIC REPRIMAND (15)**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
ANDERSON, RUSSELL F JR	2006	BERGEN	05/13/2021	05/13/2021
CARLIN, RONALD H	1999	MONMOUTH	01/14/2021	01/14/2021
HIGGINS, CHRISTOPHER ROY	2012	SOMERSET	06/17/2021	06/17/2021

KEELEY-CAIN, THOMAS MARTIN	1989	CAMDEN	06/30/2021	06/30/2021
KILLEN, GUY W	1981	GLOUCESTER	03/11/2021	03/11/2021
KINGETT, DONALD LEE	1987	BURLINGTON	07/09/2021	07/09/2021
KWESTEL, STEVEN JEFFREY	1997	NEW YORK	03/24/2021	03/24/2021
LEVEN, LAWRENCE A	1973	ESSEX	03/24/2021	03/24/2021
LUNDY, STUART R	1973	BURLINGTON	12/09/2021	12/09/2021
MALONEY, MICHAEL J	1990	MONMOUTH	06/16/2021	06/16/2021
MORDAS, GREG G	1976	MONMOUTH	06/03/2021	06/03/2021
PURVIN, MICHAEL A	1991	HUDSON	09/14/2021	09/14/2021
REHILL, MICHAEL F	1972	SUSSEX	01/27/2021	01/27/2021
TRAYNOR, GERARD WILLIAM	2001	OCEAN	11/05/2021	11/05/2021
VACCARO, JOSEPH	1999	PENNSYLVANIA	03/24/2021	03/24/2021

**ADMONITION (19)**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
ELFAR, LAMIAA E	2000	MONMOUTH	04/20/2021	04/20/2021
GILBERT, AARON SCOTT	2008	MORRIS	09/22/2021	09/22/2021
GONZALEZ, WILLIAM N	1990	HUDSON	10/25/2021	10/25/2021
KERRY, JOSEPH EDWYN	1997	PENNSYLVANIA	10/25/2021	10/25/2021
KINGSBURY, ROBERT E	1974	BURLINGTON	10/22/2021	10/22/2021
LA MONICA, CHRISTOPHER J.	1983	OCEAN	01/22/2021	01/22/2021
MIRANDA, BRIAN M	2015	UNION	07/16/2021	07/16/2021
MURPHY, THOMAS M	1977	ESSEX	10/20/2021	10/20/2021
O'DONNELL, JOHN F.	1978	MORRIS	09/28/2021	09/28/2021
PENNINGTON, DARYL SARRELL	2004	BURLINGTON	01/26/2021	01/26/2021
ROBINSON, GRANT J	1992	BURLINGTON	07/16/2021	07/16/2021
SEELEY, THOMAS EVANS	1999	CUMBERLAND	09/27/2021	09/27/2021
SELTZER, JOEL C	1980	UNION	10/25/2021	10/25/2021
SIMONI, LOUIS ANTHONY	2005	CAMDEN	04/22/2021	04/22/2021
SOSNIK, HOWARD L	1992	NEW YORK	06/16/2021	06/16/2021
SZYMANSKI, ANDRZEJ PIOTR	2005	ESSEX	04/27/2021	04/27/2021
TARKAN, ROBERTA L	1986	HUDSON	10/01/2021	10/01/2021
URSIN, JOHN E	1994	SUSSEX	07/22/2021	07/22/2021
WARREN, BRUCE K JR	2002	GLOUCESTER	11/17/2021	11/17/2021

**TOTAL FINAL DISCIPLINE.....106**

**TEMPORARY SUSPENSION (18)**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
AUSTIN, MICHELE S	2009	BERGEN	03/11/2021	03/11/2021
ALLEN, JOHN CHARLES	1995	MIDDLESEX	06/02/2021	07/06/2021
ALLEN, JOHN CHARLES	1995	MIDDLESEX	06/02/2021	07/06/2021
AUSTIN, MICHELE S	2009	BERGEN	04/22/2021	05/24/2021
BRENT, ADAM LUKE	2003	GLOUCESTER	04/22/2021	05/24/2021
BRUNSON, NEAL E	1988	BERGEN	07/22/2021	07/22/2021
CHOI, JAEHO	2012	BERGEN	10/20/2021	10/20/2021
COLEMAN, KENDAL	2000	PASSAIC	08/27/2021	08/27/2021
CROMER, KEVIN CLARK	2006	GEORGIA	07/20/2021	07/20/2021

CUBBY, DAVID RICHARD JR	2011	BERGEN	07/27/2021	07/27/2021
KOFMAN, MARTIN E	1986	NEW YORK	11/19/2021	11/19/2021
LINDNER, MICHAEL DAVID JR	1995	GLOUCESTER	10/27/2021	11/26/2021
PAGANO, PHILIP G	1982	OCEAN	10/20/2021	10/20/2021
SAUNDERS, DARRYL M.	1990	PASSAIC	04/22/2021	05/24/2021
SMITH, ROYCE W	2004	PENNSYLVANIA	02/04/2021	02/04/2021
TORONTO, PHILIP V	1982	BERGEN	03/11/2021	03/11/2021
WITHERSPOON, WILLIAM M	1988	OCEAN	04/22/2021	05/24/2021
YODICE, TARA L	2006	PASSAIC	04/22/2021	05/24/2021

**TOTAL TEMPORARY DISCIPLINE.....18**

**REINSTATEMENTS (9)**

<b><u>ATTORNEY</u></b>	<b><u>SUSPENDED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
ALCANTARA, JOSE DAVID	02/08/2018	ATLANTIC	05/13/2021	05/13/2021
ALEXANDER, RICHARD EVAN	09/01/2020	BERGEN	04/15/2021	04/15/2021
COLEMAN, KENDAL	08/27/2021	PASSAIC	10/20/2021	10/20/2021
GILMORE, GEORGE R	05/15/2019	OCEAN	03/25/2021	03/25/2021
HIGGINS, CHRISTOPHER ROY	07/15/2021	SOMERSET	12/10/2021	12/10/2021
JACKSON, SAMUEL D	02/06/2019	NEW YORK	02/09/2021	02/09/2021
TRAN, EMILY ANNE	06/03/2021	NEW YORK	09/07/2021	09/07/2021
WISE, JOHN F	01/08/2020	ESSEX	02/11/2021	02/11/2021
YODICE, TARA L.	05/24/2021	PASSAIC	06/13/2021	06/13/2021

**TOTAL REINSTATEMENTS.....9**

**Figure 5**

**IV. GROUNDS FOR FINAL DISCIPLINE**

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

**A. KNOWING MISAPPROPRIATION**

Knowing misappropriation of trust funds was the most common offense for which attorneys were disciplined in 2021. Of the 106 final orders of discipline, eighteen (18) of the attorneys disciplined in 2021, or 17%, 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 37 years of its existence, the Overdraft Program has been the sole source for the discipline of 266 New Jersey lawyers. Forty-two percent (42%) so disciplined were disbarred. In 2021, seven (7) attorneys were detected and disciplined through this program:

- Russell F. Anderson, Jr., from Bergen County was reprimanded;
- Stephanie Julia Brown from Gloucester County was disbarred;
- William N. Gonzalez from Hudson County was admonished;
- Christopher Roy Higgins from Somerset County was suspended for three months;
- Dianne E. Laurenzo from Bergen County was disbarred;
- Karina Pia Lucid from Somerset County was censured; and
- Louis Anthony Simoni from Camden County was admonished.

### 2. *Random Audit Compliance Program*

RAP began conducting audits in 1981. While not designed primarily to detect misappropriation, audits have resulted in the detection of some serious financial violations. Over the 40 years of its operation, a total of 245 attorneys, detected solely by this program, have been disciplined for serious ethical violations. Fifty-three point zero six percent (53.06%) of those attorneys were disbarred or suspended. In 2021, eleven (11) attorneys were disciplined for committing serious financial violations:

- Zak A. Aljaludi from Bergen County was disbarred;
- Rosemarie Anderson from Bergen County was disbarred;
- Dominic V. Caruso from Passaic County was suspended for 6 months;
- Peter Hyun Kim from Bergen County consented to his disbarment;
- Bruce W. Lerner from New York consented to his disbarment;
- Lawrence A. Leven from Essex County was reprimanded;
- Michael J. Maloney from Monmouth County was reprimanded;
- Daryl S. Pennington from Burlington County was admonished;
- Michael A. Purvin from Hudson County was reprimanded;
- Irving Tobin from Union County was censured; and
- Miriam B. Weinstein from Ocean County was censured.

## **B. OTHER MONEY OFFENSES**

The category of “Other Money Offenses” came in second place in 2021. Fifteen point one percent (15.1%) (16 of the 106 final discipline cases) of the attorneys disciplined in 2021 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.

### **C. DISHONESTY, FRAUD, DECEIT AND MISREPRESENTATION**

In third place was the category of “Dishonesty, Fraud, Deceit and Misrepresentation.” Twelve (12) of the 106 attorneys disciplined in 2021 (or 11.3%) engaged in some type of dishonesty, fraud, deceit or misrepresentation.

**D.** Tied for fourth place are “Conflict of Interest” and “Criminal Convictions,” each at 8.5% (9 of 106 cases).

### **CONFLICT OF INTEREST**

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 in fifth place in 2020.

### **CRIMINAL CONVICTIONS**

“Criminal Convictions” (excluding misappropriation, fraud and drug convictions) was also the fourth most common reason why attorneys were disciplined in 2021. The criminal convictions included Passing Bad Checks, Unlawful Possession of a Handgun, Money Laundering and Extortion, and Aggravated Assault. Nine of the attorneys disciplined in 2021 were convicted of crimes.

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

The category of “Gross Neglect / Lack of Diligence” came in fifth place at 7.5% (8 of 106 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 third most frequent reason for lawyer sanctions in 2020.

### **F. UNAUTHORIZED PRACTICE OF LAW**

The “Unauthorized Practice of Law” was the sixth most common reason why attorneys were disciplined in 2021. RPC 5.5 defines the Unauthorized Practice of Law to include not only an attorney practicing New Jersey law after his/her license to practice here has been revoked or suspended, but also when an attorney admitted here assists a non-lawyer in the performance of activity that constitutes the unauthorized practice of law. Five point seven percent (5.7%) (6 of 106 cases) of the attorneys disciplined in 2021 were found to have engaged in the unauthorized practice of law.

## **G. INELIGIBLE PRACTICING LAW**

Coming in seventh 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.

H. Four types of violations tied for eighth place.

## **DRUG OFFENSES**

The first was “Drug Offenses” at 2.8% (3 of 106 cases). The majority of these cases resulted from criminal pleas/convictions.

## **ADMINISTRATION OF JUSTICE**

The second type was “Administration of Justice.” RPC 8.4(d) provides that it is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice. This category has appeared on the list in 2018, 2015, and 2012.

## **NON-COOPERATION WITH DISCIPLINARY 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. Three attorneys were disciplined in 2021 for failure to cooperate with disciplinary authorities.

## **FRAUD**

The final type of violation tied for eighth place was “Fraud.” RPC 8.4(c) prohibits an attorney from engaging in conduct involving fraud.

I. Tied for ninth place, each at 1.9% (2 of 106 cases), are the categories of “Lack of Communication” and “Failure to Supervise.”

## **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.”

## FAILURE TO SUPERVISE

The second type of violation to tie for ninth 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.

Summaries of each of the 106 final discipline cases can be found in **Figure 6**.

**Figure 6**

### 2021 Disciplinary Summaries

**Zak A. Aljaludi** - Disbarred on September 15, 2021 (248 N.J. 268) for violating RPC 1.7 (conflict of interest); RPC 1.15(a) and the principles of In re Wilson 81 N.J. 451 (1979) and In re Hollendonner, 102 N.J. 21 (1985) (knowing misappropriation of client and escrow funds); RPC 1.15(b) (failure to promptly disburse funds); RPC 1.15(d) (failure to comply with the recordkeeping requirements of Rule 1:21-6); RPC 5.5(a) (1) (practicing law while ineligible); and RPC 8.1(b) (failure to cooperate with disciplinary authorities). Timothy J. McNamara appeared before the Supreme Court for the OAE and respondent failed to appear. This matter was discovered solely as a result of the Random Audit Program.

**Rosemarie A. Anderson** - Disbarred on October 21, 2021 (248 N.J. 576) for knowing misappropriation of trust funds, in violation of RPC 1.15(a) and the principles of In re Wilson, 81 N.J. 451 (1979) (knowing misappropriation of client funds); RPC 1.15(d)(recordkeeping violations); RPC 8.1(b)(failure to correct a misapprehension known to have arisen in connection with a disciplinary matter); and RPC 8.4(c)(conduct involving dishonesty, fraud, deceit or misrepresentation). HoeChin Kim appeared before the Supreme Court for the OAE, and Arnold K. Mytelka represented respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

**Russell F. Anderson, Jr.** – Reprimanded on May 13, 2021 (\_\_\_ N.J. \_\_\_) for violating RPC 1.15(a) (failure to safeguard funds and negligent misappropriation of client funds), RPC 1.15(b) (failure to promptly deliver client funds), and RPC 1.15(d) (failure to comply with recordkeeping provisions R. 1:21-6). Steven J. Zweig represented the OAE, and Edward T. Rogan represented respondent. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Santo V. Artusa, Jr.** – Censured on May 6, 2021 (246 N.J. 154) for violating RPC 1.15(d) (recordkeeping violations), RPC 8.1(b)(failure to cooperate with disciplinary authorities), RPC 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Johanna Barba Jones represented the OAE and Peter R. Willis represented respondent on a motion for discipline by consent granted by the DRB.

**Adam Leitman Bailey** – Censured on November 18, 2021 (249 N.J. 49) based on discipline imposed in New York for unethical conduct that in New Jersey constitutes violations of RPC 3.2 (failing to treat with courtesy and consideration all persons involved in the legal process); RPC 3.4(g) (presenting, participating in presenting, or threatening to present criminal charges to obtain an improper advantage in a civil matter); RPC 3.5(c) (engaging in conduct intended to disrupt a tribunal); RPC 4.1(a)(1) (making a false statement of material fact or law to a third person); RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation), and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice). Ashley Kolata-Guzik represented the OAE and Kim D. Ringler represented the respondent on a motion for reciprocal discipline granted by the DRB.

**Barry J. Beran** – Suspended on a certified record for three years, effective September 24, 2023 (248 N.J. 450), 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); RPC 5.5(a)(1) (practicing law while administratively ineligible); and RPC 8.1(b)(failure to cooperate with disciplinary authorities) in his handling of a client's bankruptcy matter. HoeChin Kim appeared before the Supreme Court for the OAE, and Robyn M. Hill represented respondent. The respondent was previously disciplined: Reprimanded in 2004; admonished in 2009; censured in 2016 and 2017; suspended for three months in 2018; suspended for six months in 2020; and suspended for three years in 2020.

**Barry J. Beran** – Suspended for three years concurrently to D-109-20, effective September 24, 2023 (248 N.J. 447), for violating RPC 1.15(a) (negligent misappropriation); RPC 1.15(d)(failure to comply with the recordkeeping provisions of Rule 1:21-6); and RPC 8.1(b) (failure to cooperate with disciplinary authorities). HoeChin Kim appeared before the Supreme Court for the OAE, and Robyn M. Hill represented respondent. The respondent was previously disciplined: Reprimanded in 2004; admonished in 2009; censured in 2016 and 2017; suspended for three months in 2018; suspended for six months in 2020; and suspended for three years in 2020.

**Robert J. Bernot** – Suspended for three years on May 5, 2021 (246 N.J. 184) for violating RPC 8.1(b) (failure to cooperate with disciplinary authorities) and RPC 8.4(d) (conduct prejudicial to the administration of justice). Jason D. Saunders represented the OAE and respondent defaulted. The respondent was previously disciplined: Reprimanded in 2021; suspended for two years in 2018 and suspended for six months in 2020.

**Bryan Blaney** – Censured on January 14, 2021 (244 N.J. 509) on a certified record for violating RPC 8.1(b) (failure to cooperate with disciplinary authorities (two violations) and RPC 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton handled the matter for the OAE and respondent defaulted. The respondent was previously disciplined: Reprimanded in 2018.

**Michael Botton** - Disbarred by consent on November 18, 2021 (249 N.J. 8) for respondent's knowing misappropriation of funds held for an estate matter. HoeChin Kim represented the OAE and John McGill III represented the respondent.

**Michael Francis Bradley** - Disbarred on March 17, 2021 (245 N.J. 489) following a motion for reciprocal discipline based on discipline imposed in the Commonwealth of Pennsylvania for unethical conduct that in New Jersey violates RPC 1.15(a) (knowing misappropriation of client funds); RPC 1.15(b) (failure to promptly deliver funds to client); RPC 8.4(c) (conduct involving dishonesty, fraud,

deceit or misrepresentation); and the principles of In re Wilson, 81 N.J. 451 (1979). Hillary Horton represented the OAE and respondent was pro se.

**Adam Luke Brent** - Disbarred on June 30, 2021 (247 N.J. 195) for violating RPC 1.15(a) and the principles of In re Wilson, 81 N.J. 451 (1979) and In re Hollendonner, 102 N.J. 21 (1985) (knowing misappropriation of client and escrow funds; and the DRB having also found that respondent violated RPC 8.1(b) (failure to cooperate with disciplinary authorities); RPC 8.4(b) (commission of a criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects); and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation). Steven J. Zweig represented the OAE and respondent failed to appear. The respondent was previously disciplined: Suspended in 2019, 2020 and 2021.

**Stephanie Julia Brown** – Suspended for three months, effective June 3, 2021 (246 N.J. 456) for violating RPC 1.1(a)(gross neglect); RPC 1.2(a)(failure to abide by a client's decisions regarding the scope of the representation); RPC 1.3(lack of diligence); RPC 1.4(b)(failure to communicate with the client and reply to reasonable requests for information); RPC 1.16(d)(failure to return client file on the termination of representation); RPC 8.4(c)(conduct involving dishonesty, fraud, deceit or misrepresentation); and RPC 8.4(d)(conduct prejudicial to the administration of justice) for her mishandling of a client's post-divorce matter. Respondent also was ordered to repay the sum of \$7,709 to the client within forty-five days of the filing of the Order. HoeChin Kim appeared before the Supreme Court for the OAE, and respondent was pro se but failed to appear.

**Stephanie Julia Brown** – Disbarred on September 28, 2021 (248 N.J. 476) on seven matters consisting of a final motion for discipline, a motion for reciprocal discipline, and five certified records. Respondent was found to have violated RPC 1.1(a)(gross neglect) (five instances); RPC 1.1(b) (pattern of neglect); RPC 1.3 (diligence) (five instances); RPC 1.4(b) (failure to communicate with clients) (two instances); RPC 1.5(b) (failure to provide retainer agreement); RPC 1.5(e) (improper division of fee between firms); RPC 1.15(a) (commingling of funds); RPC 1.15(b) (failure to refund fee); RPC 1.15(d) (recordkeeping violations); RPC 3.3(a)(1) (false statement of material fact or law to a tribunal); RPC 4.4(a)(1) (false statement of material fact to a third person); RPC 7.1(a) (false communication about the lawyer or lawyer's services); RPC 8.1(b) (failure to cooperate with disciplinary authorities) (eleven instances); RPC 8.4(b) (commission of a criminal act that reflects adversely on the honesty, trustworthiness, or fitness of the lawyer); RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or

misrepresentation) (three instances); and RPC 8.4(d) (conduct prejudicial to the administration of justice)(two instances). HoeChin Kim appeared before the Supreme Court for the OAE, and respondent was pro se but failed to appear. Respondent was previously disciplined: Suspended for six months in 2021. One of the seven matters was discovered as a result of the Trust Overdraft Notification Program.

**Scott Joseph Capriglione** - Suspended for a period of one year on May 19, 2021, effective June 16, 2021 (246 N.J. 243) for violating RPC 1.1(a) (gross neglect); RPC 1.1(b) (pattern of neglect); RPC 1.3 (lack of diligence); RPC 1.4(b) (failure to communicate with client); RPC 1.16(d) (on termination of representation, failure to surrender the client's papers and property); RPC 3.2 (failure to expedite litigation); RPC 3.3(a)(1) (false statement of material fact or law to a tribunal); RPC 3.3(a)(4) (offering evidence the lawyer knows to be false); RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and RPC 8.4(d)(conduct prejudicial to the administration of justice). Dorothy E. Bolinsky appeared before the DRB for District VII and Marc D. Garfinkle appeared for respondent.

**Ronald H. Carlin** – Reprimanded on January 14, 2021 (244 N.J. 512) for failing to promptly pay funds to a third party, in violation of RPC 1.15(b). HoeChin Kim appeared before the DRB for the OAE and Scott Piekarsky appeared for the respondent.

**Dominic Vincent Caruso** – Suspended for six months on October 6, 2021, effective November 5, 2021 (248 N.J. 426). The Supreme Court determined from its review of the briefs and arguments raised by the parties that, contrary to the decision of the Disciplinary Review Board that found a knowing misappropriation in violation of RPC 1.15(a) and the principles of In re Wilson, 81 N.J. 451 (1979) and In re Hollendonner, 102 N.J. 21 (1985), there was only a negligent misappropriation in violation of RPC 1.15(a). HoeChin Kim appeared before the Court for the OAE, and respondent was represented by Anthony C. Gunst IV. This matter was discovered solely as a result of the Random Audit Compliance Program.

**Yohan Choi** - Suspended for two years on November 17, 2021 (249 N.J. 18) for violating RPC 3.3(a)(1) (false statement of material fact or law to a tribunal); RPC 5.5(a)(1) (unauthorized practice of law – practicing law while suspended); RPC 8.1(b) (failure to cooperate with disciplinary authorities); RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and RPC 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE on a motion for reciprocal discipline granted by the DRB and the respondent was represented by Richard E. Mischel. Respondent was previously disciplined: Suspended for two years in 2019.

**John Kelvin Conner** – Disbarred on November 30, 2021, (249 N.J. 51) based on discipline imposed in the Commonwealth of Pennsylvania for conduct that in New Jersey violated RPC 1.15(a) (knowingly misappropriating client or escrow funds) and the principles set forth in In re Wilson, 81 N.J. 451 (1979) and In re Hollendonner, 102 N.J. 21 (1985); RPC 8.4(b) (committing 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) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation). Hillary Horton represented the OAE and Respondent was pro se. The respondent was previously disciplined: Reprimanded in 2007.

**Stuart Thomas Cottee** – Suspended for three months on September 13, 2021 (effective October 12, 2021), (248 N.J. 226) for violating RPC 1.1(a) (gross neglect); and RPC 1.4(b) (failure to communicate with client); RPC 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions); RPC 1.5(b) (failure to set forth in writing the basis or rate of the fee); RPC 1.8(h)(1) and (h)(2) (requirement that a lawyer not make an agreement limiting his liability for malpractice, or settle such a claim or potential claim with an unrepresented client, or former client, unless that person is advised in writing of the desirability of seeking the advice of independent legal counsel, and is given a reasonable opportunity to do so); RPC 5.3(b) (requirement that a lawyer having direct supervisory authority over a nonlawyer make reasonable efforts to insure that his conduct is compatible with the professional obligations of the lawyer); RPC 5.3(c)(1) and (c)(2) (rendering the attorney responsible for such conduct if he orders or ratifies the conduct of the nonlawyer, or knows of it when its consequences can be avoided or mitigated, and fails to take reasonable remedial action); RPC 8.1(a) (false statement to disciplinary authorities); RPC 8.4(a) (knowing assistance or inducement of another to violate the RPCs, or to do so through the acts of another); and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Colleen L. Burden represented the OAE and respondent was pro se.

**Charles Canning Daley, Jr.** – Censured on May 20, 2021 (\_\_\_ N.J. \_\_\_) based on respondent's conditional plea of guilty to second-degree unlawful possession of a handgun without proper permit (N.J.S.A. 2C:39-5 (b)(1)), conduct in violation of RPC 8.4(b) (criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects). Ashley Kolata-Guzik appeared before the DRB for the OAE and Joseph P. LaSala appeared for the respondent. Colleen L. Burden handled the matter for the OAE before the Supreme Court.

**Richard Del Vacchio** – Censured on a certified record on November 18, 2021 (249 N.J. 7) for violating RPC 8.1(b) (failure to cooperate with disciplinary authorities) and RPC

8.4(d) (engaging in conduct prejudicial to the administration of justice). Richard A. Gantner handled the matter for the District XIII Ethics Committee.

**Lamiaa E. Elfar** - Admonished on April 20, 2021 (246 N.J. 56) for violating RPC 1.15(d) (recordkeeping violations); RPC 5.5(a)(1) (practicing law while administratively ineligible and failure to maintain liability insurance while practicing as a professional corporation); and RPC 7.1(a)(1), RPC 7.5(e), and RPC 8.4(c) (false, misleading, and improper firm name). Ryan J. Moriarty represented the OAE and respondent was pro se on a Stipulation of Discipline by Consent accepted by the DRB.

**Karl A. Fenske** – Censured on February 10, 2021 (245 N.J. 156) for violating RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Steven J. Zweig represented the OAE and respondent was pro se. Respondent was previously disciplined: Admonished in 1999.

**Evgeny Alender Freidman** -- Disbarred on April 29, 2021 (246 N.J. 59) based on respondent's felony conviction in the State of New York for tax fraud, conduct that in New Jersey constitutes a violation of RPC 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer). Ryan J. Moriarty appeared before the Supreme Court for the OAE and respondent failed to appear.

**Cary J. Frieze** - Censured on December 9, 2021 (249 N.J. 99) following his conviction in the Hanover Municipal Court following a plea of guilty to disorderly persons shoplifting, in violation of N.J.S.A. 2C:20-11(b)(1), conduct that violates RPC 8.4(b) (commission of a criminal act that reflects adversely on a lawyer's honesty, trustworthiness or fitness as a lawyer in other respects). Lauren Martinez represented the OAE on a motion for final discipline and Peter N. Gilbreth represented respondent. The respondent was previously disciplined: Admonition in 2019.

**Aaron Scott Gilbert** - Admonished on September 22, 2021 (248 N.J. 272) for violating RPC 1.7(a)(1) (concurrent conflict of interest) and RPC 5.2(a) (lawyer is bound by the RPCs notwithstanding that the lawyer acted at the direction of another person). Eric L. Probst represented the District XA Ethics Committee and Donald R. Belsole, Esq. represented the respondent.

**Stephen C. Gilbert** - Suspended for three months on September 22, 2021 (248 N.J. 270) for violating RPC 1.5(b) (failure to communicate in writing the basis of a rate or fee); RPC 1.7(a)(1) and (2) (concurrent conflict of interest); RPC 5.1(b) failure to make reasonable efforts to ensure that a lawyer over whom the lawyer has direct supervisory authority conforms to the RPCs; and RPC 5.1(c) holding a lawyer responsible for another lawyer's violation of the

RPCs if the lawyer orders or ratifies the conduct, or the lawyer has direct supervisory authority over the other lawyer and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action). Eric L. Probst represented the District XA Ethics Committee and respondent was represented by Donald R. Belsole, Esq. Respondent was previously disciplined: Reprimanded in 1996.

**William N. Gonzalez** – Admonished on October 25, 2021 (Unreported) for violation of RPC 1.15(a) (three instances – negligent misappropriation of client trust funds) and RPC 1.15(d) (failure to comply with the recordkeeping requirements of R. 1:21-6). Colleen L. Burden handled the matter for the OAE and Glenn R. Reiser, Esq. represented the respondent. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Richard C. Gordon** - Suspended for three months on November 5, 2021 (effective December 3, 2021) (249 N.J. 15) 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(a) (unreasonable fee); RPC 5.5(a)(1) (unauthorized practice of law); and RPC 8.1(b) (failure to cooperate with disciplinary authorities). Hillary Horton represented the OAE and Scott B. Piekarsky, Esq. represented respondent on a motion for reciprocal discipline. The respondent was previously disciplined: Admonished in 2011.

**Saul Gary Gruber** – Suspended for six months by consent effective September 17, 2021 (248 N.J. 205) 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 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 3.2 (failure to expedite litigation); RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and RPC 8.4(d) (conduct prejudicial to the administration of justice) in mishandling of six client matters referred to the Office of Attorney Ethics by respondent's former law firm. HoeChin Kim represented the OAE and respondent was represented by Frank L. Corrado, Esq. The respondent was previously disciplined: Censured in 2019.

**Sanghwan Hahn** – Disbarred on July 7, 2021, (247 N.J. 199) for violating RPC 1.7(a) (conflict of interest); RPC 1.15(a) and the principles of In re Wilson, 81 N.J. 451 (1979) and In re Hollendonner, 102 N.J. 21 (1985); RPC 1.15(b) (failure to promptly disburse client funds); RPC 3.4(c) (disobeying a court order); RPC 5.5(a)(1) (practicing law while suspended); RPC 8.1(b) (failure to cooperate with

disciplinary authorities); RPC 8.4(c) (conduct involving dishonesty, fraud, deceit and/or misrepresentation); and RPC 8.4(d) (conduct prejudicial to the administration of justice). Eugene A. Racz appeared before the Supreme Court for the OAE and respondent did not appear despite proper notice. The respondent was previously disciplined: Suspended in 2017 and censured in 2019.

**Michael Albert Hanamirian** - Suspended for one year on February 10, 2021, effective March 12, 2021 (245 N.J. 151), following a motion for reciprocal discipline. Respondent's unethical Pennsylvania conduct constituted the violation of the following equivalent New Jersey RPCs: RPC 1.15(a) (commingling of funds and negligent misappropriation) and RPC 1.15(d)(failure to comply with the recordkeeping provisions of Rule 1:21-6). Hillary Horton represented the OAE and respondent was pro se.

**Stephanie A. Hand** – Disbarred on December 2, 2021, (N.J.) for violating RPC 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer) and RPC 8.4(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). Hillary Horton represented the OAE and John McGill, III, Esq. represented respondent. The respondent was previously disciplined: Admonished in 2010 and 2015; and suspended for one year in 2018.

**Christopher Roy Higgins** - Reprimanded on June 17, 2021 on a certified record (247 N.J. 18) for violating RPC 1.4(b) (failure to keep client reasonably informed about the status of the matter or to comply with reasonable requests for information) and RPC 8.1(b) (failure to cooperate with ethics authorities). Richard Gale, Esq. represented the District VIII Ethics Committee. Ryan Moriarty represented the OAE before the Supreme Court, and respondent was pro se. Respondent was previously disciplined: Temporarily suspended in 2018; censured and twice suspended for three months in 2021.

**Christopher Roy Higgins** - Censured on June 17, 2021 on a certified record (247 N.J. 22) for violating RPC 1.4(b) (failure to keep client reasonably informed about the status of the matter or to comply with reasonable requests for information) and RPC 8.1(b) (failure to cooperate with ethics authorities). Richard Gale, Esq. represented the District VIII Ethics Committee, Ryan Moriarty represented the OAE before the Supreme Court, and respondent was pro se. Respondent was previously disciplined: Temporarily suspended in 2018; reprimanded and twice suspended for three months in 2021.

**Christopher Roy Higgins** - Suspended for three months on June 17, 2021 effective July 15, 2021 on a certified record (247 N.J. 19) for violating RPC 1.3 (lack of diligence); RPC

8.1(b) (failure to cooperate with ethics authorities); RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and RPC 8.4(d) (conduct prejudicial to the administration of justice). Richard Gale, Esq. represented the District VIII Ethics Committee, Ryan Moriarty represented the OAE before the Supreme Court, and respondent was pro se. Respondent was previously disciplined: Temporarily suspended in 2018, reprimanded and censured in 2021.

**Christopher Roy Higgins** - Suspended for three months on June 17, 2021, effective July 15, 2021 (247 N.J. 20) (to run concurrently with previous three month suspension issued June 17, 2021 in a separate matter), 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 or rate of the fee); RPC 1.15(a) (commingling of funds); RPC 1.15(d) and Rule 1:21-6 (recordkeeping violations); RPC 1.16(c) (failure to comply with applicable law requiring notice to or permission of a tribunal when terminating a representation); RPC 1.16(d) (failure to protect client's interests on termination of the representation); RPC 3.2 (failure to expedite litigation); RPC 3.4(c) (failure to obey the obligation of a tribunal); RPC 8.1 (b) (failure to cooperate with ethics authorities); and RPC 8.4(d) (conduct prejudicial to the administration of justice). Ryan J. Moriarty represented the OAE and Anthony B. Vignuolo, Esq. represented the respondent. Respondent was previously disciplined: Temporarily suspended in 2018; reprimanded, censured and suspended for three months in 2021. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Robert Patrick Hoopes** - Disbarred on March 4, 2021 (245 N.J. 261) on a motion for final discipline for violating RPC 8.1(b) (failure to cooperate with disciplinary authorities); RPC 8.4(b) (criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer 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). Colleen L. Burden represented the OAE and respondent was pro se. Respondent was previously disciplined: Admonished in 2009 and temporarily suspended in 2018. That suspension was still in effect at the time of respondent's disbarment.

**Amanda J. Iannuzzelli** - Suspended for three years on November 3, 2021 (249 N.J. 12) for violating RPC 1.1(a) (gross neglect); RPC 1.3 (lack of diligence); RPC 1.4(b) (failure to communicate with client); RPC 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions); RPC 1.5(a) (unreasonable fee); RPC 1.5(b) (failure to set forth in writing the basis or rate of the fee); RPC 1.7(a)(2) (concurrent conflict of interest); RPC 1.15(a) (failure to safeguard funds, negligent misappropriation, and

commingling); RPC 1.15(b) (failure to promptly deliver to the client funds the client is entitled to receive); RPC 1.15(c) (failure to keep disputed funds separate and intact); RPC 1.16(d) (on termination of representation, failure to take steps to the extent reasonably practicable to protect a client's interest); RPC 3.2 (failure to expedite litigation); RPC 3.3(a)(1) (false statement of material fact to a tribunal); RPC 3.4(a) (unlawful obstruction of another party's access to evidence or concealment of a document having potential evidentiary value); RPC 3.4(f) (request a person other than a client to refrain from giving relevant information to another party); RPC 3.7(a) (a lawyer may not act as advocate at trial where the lawyer is likely to be a witness); RPC 4.1(a)(1) (false statement of fact or law to a third person); RPC 5.5(a) unauthorized practice of law); RPC 8.1(a) (false statement of material fact in a disciplinary matter); RPC 8.1(b) (failure to cooperate with disciplinary authorities); RPC 8.4(a) (knowing assistance or inducement of another to violate the RPCs or to do so through the acts of another); 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). Hillary Horton represented the OAE and Richard F. Klineburger, Esq. represented the respondent.

**Aram Ingilian** - Censured on June 3, 2021 (246 N.J. 458) for violations of RPC 8.4(d) (conduct prejudicial to the administration of justice) and RPC 8.4(e) (stating or implying an ability to improperly influence a government agency or official to achieve results by means that violate the Rules of Professional Conduct or other law). Ryan J. Moriarty represented the OAE and respondent was represented by Anthony C. Gunst IV, Esq.

**Stephen Robert Jones** - Suspended for one year on March 11, 2021, retroactive to March 16, 2020 (the date of respondent's temporary suspension) (341 N.J. 352) for violating RPC 1.1(a) (gross neglect); RPC 1.3 (lack of diligence); RPC 1.4(b) and (c) (failure to communicate with client); RPC 1.16(d) (failure to protect client's interests on termination of representation); RPC 8.1(b) (failure to cooperate with disciplinary authorities); RPC 8.4(b) (criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects); and RPC 8.4(g) (engaging in a professional capacity in conduct involving discrimination). Colleen L. Burden represented the OAE and respondent was represented by Mario J. Persiano, Esq.

**Angela Jupin** - Disbarred on September 28, 2021 (248 N.J. 425) for violations of RPC 1.7(a) (conflict of interest); RPC 1.15(a) and the principles of In re Wilson, 81 N.J. 451 (1979) (knowing misappropriation of client funds); RPC 1.15(b) (failure to promptly disburse funds); RPC 1.15(d) (recordkeeping violations); RPC 3.2 (failure to expedite

litigation); RPC 3.3(a)(1) (false statement of material fact or law to a tribunal); RPC 8.4(b) (commission of a criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer - by misapplication of entrusted property, contrary to N.J.S.A. 2C:21-15); and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Amanda Figland represented the OAE before the Supreme Court and respondent failed to appear for the Order to Show Cause.

**Nabil Nadim Kassem** – Suspended for three months on December 9, 2021 (249 N.J. 97) for violating RPC 8.4(b) (committing a criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects) following a motion for final discipline granted by the DRB. Hillary Horton represented the OAE and John D. Arseneault, Esq. represented respondent. Respondent was previously disciplined: Censured in 2008 and temporarily suspended in 2020.

**Thomas Martin Keeley-Cain** – Reprimanded on June 30, 2021 (247 N.J. 196) for violations of RPC 1.1(a) (gross neglect); RPC 1.3 (lack of diligence); and RPC 1.16(d) (failure to protect client's interest on termination of representation) for mishandling his clients' foreclosure matter. Although noting the violations typically would result in an admonition, the Disciplinary Review Board determined the aggravating factors of respondent's failure to review Rule 4:23-5(a) for more than one year, refusal to sign a substitution of counsel for ten months, and failure to provide the clients' file to new counsel warranted a reprimand. John J. Levy represented the District IV Ethics Committee and respondent was pro se. Respondent was previously disciplined: Admonished in 2005.

**Joseph Edwyn Kerry** – Admonished on October 25, 2021 (Unreported) for practicing law in Utah, a state to which he was not admitted. Hillary Horton represented the OAE before the DRB and respondent appeared pro se.

**David J. Khawam** - Disbarred by consent on March 2, 2021 (245 N.J. 260) for respondent's knowing misappropriation of client trust funds from two clients. The first matter involved respondent's misappropriation of the client's proceeds as a beneficiary of her mother's estate, which respondent repaid to the client two years after his taking of her funds. The second matter involved respondent's misappropriation of at least \$300,000 from the estates of the client's parents, for which estates the client served as executrix. HoeChin Kim represented the OAE and John McGill III, Esq. represented the respondent.

**Guy W. Killen** - Reprimanded on March 11, 2021 (245 N.J. 381) for violating RPC 5.5(a)(1) (practicing law as a professional corporation without professional liability

insurance) and RPC 8.1 (b) (failure to cooperate with disciplinary authorities). Amanda Figland appeared before the DRB for the OAE and respondent appeared pro se.

**Peter Hyun Kim** - Disbarred by consent on May 13, 2021 (246 N.J. 241) for the knowing misappropriation of trust funds. This matter was discovered as a result of the Random Audit Program. Colleen Burden represented the OAE and Christie Lee represented the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

**Donald Lee Kingett** - Reprimanded on July 9, 2021 (247 N.J. 241) for violating 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 5.3(a) (failure to supervise nonlawyer employee); and RPC 5.4(c) (fee sharing with a nonlawyer). Ryan J. Moriarty represented the OAE and respondent was represented by Carl D. Poplar, John L. Slimm, and Jeremy J. Zacharias.

**Robert E. Kingsbury** – Admonished on October 22, 2021 (Unreported) for failing to advance his client’s foreclosure matter beyond the complaint stage during the course of a three-year representation, in violation of RPC 1.3 and RPC 3.2. Kevin M. Siegal handled the matter for the District IIIB Ethics Committee and respondent was pro se.

**Moishie M. Klein** – Censured by consent on August 19, 2021 (248 N.J. 204) for violations of RPC 1.8(a) (improper business transaction with a client); RPC 1.15(a) (commingling of funds and negligent misappropriation); RPC 1.15(d) (failure to comply with recordkeeping provisions of Rule 1:21-6); RPC 5.5(a)(1) (unauthorized practice of law – practicing law while ineligible to do so); and RPC 7.5(e) (use of an improper professional designation that violates RPC 7.1, which provides that a lawyer shall not make a false or misleading communications about the lawyer or the lawyer’s services). HoeChin Kim represented the OAE and Justin P. Walder, Esq. represented the respondent.

**Steven Jeffrey Kwestel** - Reprimanded on March 24, 2021 (245 N.J. 493) based upon discipline imposed in the State of New York for conduct that in New Jersey constitutes violations of RPC 1.15(a) (commingling of funds and failure to safeguard property belonging to a client or third party); RPC 1.15(d) (failure to comply with recordkeeping requirements); and RPC 5.3(b) (failure to properly supervise a nonlawyer assistant). Lauren Martinez represented the OAE on a motion for reciprocal discipline and Respondent was pro se.

**Christopher J. LaMonica** – Admonished on January 22, 2021 (Unreported) for failing to finalize a stock transfer for approximately two years after a decedent’s death in an estate matter, in violation of RPC 1.3. Respondent also violated

RPC 1.4(b) by failing to keep the grievant apprised of the status of the matter and failed to communicate with her for sixteen months. Lauren M. Dooley handled the matter for the District IIIA Ethics Committee and respondent appeared pro se.

**Dianne E. Laurenzo** – Disbarred on July 7, 2021 (247 N.J. 200) for violating RPC 1.15(a) and the principles of In re Wilson, 81 N.J. 451 (1979) and In re Hollendonner, 102 N.J. 21 (1985) (knowing misappropriation of entrusted funds); RPC 1.4(b) (failure to communicate with client); RPC 5.5(a)(1) (practicing law while suspended); 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 appeared before the Supreme Court for the OAE and respondent failed to appear. This matter originated from the Trust Overdraft Notification Program.

**Julie Anna LaVan** – Censured on November 18, 2021 (249 N.J. 5) for violating RPC 1.7(a) (engaging in a conflict of interest). Patricia M. Love represented the DEC VIII Ethics Committee and respondent was pro se. The respondent was previously disciplined: Reprimanded in 2019.

**Bruce W. Lerner** – Disbarred by consent on July 20, 2021 (247 N.J. 420) after respondent admitted that he could not successfully defend himself against pending charges involving the knowing misappropriation of escrow funds. Ryan J. Moriarty represented the OAE and John K. Miller, Esq. represented the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

**Lawrence A. Leven** – Reprimanded on March 24, 2021 (245 N.J. 491) for violating RPC 1.15(d) (failure to comply with recordkeeping requirements); 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(e) (engaging in conduct prejudicial to the administration of justice). Among conditions imposed by the Court, respondent was ordered to transmit unidentified trust account funds to the Superior Court Trust Fund, in accordance with R. 1:21-6(j) with proof of submission of these funds set as a condition for reinstatement from his temporary suspension pursuant to a prior Court Order, dated December 4, 2018. Eugene A. Racz represented the OAE and Stephen N. Dratch, Esq. represented respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

**Susan A. Lowden** – Suspended for two years on January 14, 2021 on two certified records, effective September 20, 2020 (244 N.J. 510) for mishandling her clients’ matters and lying to the clients 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 provide a written fee agreement); RPC 8.1(b) (failure to cooperate with disciplinary authorities); and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). The Order, filed January 14, 2021, ordered the two-year suspension to run consecutively to respondent's six-month suspension, effective March 26, 2020. Respondent was also ordered to repay the full sums in the Embry (\$1350) and Rulli (\$3000) matters within thirty days of the filing of the Order. Christine Cockerill represented the District IV Ethics Committee and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2014; censured in 2016; and suspended for six months in 2020.

**Susan A. Lowden** – Disbarred on October 14, 2021 (248 N.J. 508) for violating RPC 8.1(b) (failure to cooperate with disciplinary authorities) and RPC 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE and respondent was pro se. The respondent was previously disciplined: Reprimanded in 2014; censured in 2016; suspended for six months in 2020 and suspended for two years in 2021.

**Karina Pia Lucid** – Censured on October 14, 2021 (248 N.J. 514). The Court determined from its review of the briefs and arguments raised by the parties that, contrary to the majority decision of the Disciplinary Review Board that found a knowing misappropriation in violation of RPC 1.15(a) and the principles of In re Wilson, 81 N.J. 451 (1979) and In re Hollendonner, 102 N.J. 21 (1985), there was only a negligent misappropriation in violation of RPC 1.15(a). Charles Centinaro appeared before the Court for the OAE, and respondent was represented by Kim D. Ringler, Esq. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Stuart R. Lundy** – Reprimanded on December 9, 2021 (249 N.J. 101) for violating RPC 4.1(a) (false statement of material fact or law to a third person) and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Hillary Horton represented the OAE and Mark S. Kancher, Esq. represented Respondent.

**Richard A. Luthmann** - Disbarred on June 16, 2021 (246 N.J. 568) following his guilty plea in the United States District Court for the Eastern District of New York to one count of conspiracy to commit wire fraud, contrary to 18 U.S.C. §1343 and 18 U.S.C. §1349, and one count of conspiracy to commit extortionate collection of credit, contrary to 18 U.S.C. §894(a), in violation of RPC 8.4(b) (criminal act reflecting adversely on the lawyer's honesty,

trustworthiness, or fitness as a lawyer in other respects). Respondent's misconduct established in this matter also constituted violations of RPC 4.1(a)(2) (failure to disclose a material fact to a third person when disclosure is necessary to avoid assisting in a criminal or fraudulent act by a client) and RPC 8.4(d) (conduct prejudicial to the administration of justice). Lauren Martinez represented the OAE on a motion for final discipline and respondent was pro-se.

**Michael J. Maloney** – Reprimanded on June 16, 2021 (246 N.J. 567) for violating RPC 1.15(a) (negligent misappropriation of funds); RPC 1.15(d) (failure to maintain financial records as required by R. 1:21-6); and RPC 5.3(a) and (b) (failure to supervise nonlawyer staff). Colleen L. Burden, Esq. represented the OAE and James M. McGovern, Esq. represented respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

**Gary L. Mason** – Disbarred on January 12, 2021 (244 N.J. 506), for violating RPC 1.5(b) (failure to set forth in writing the basis or rate of the fee); RPC 1.7(a)(2) (engaging in a concurrent conflict of interest); RPC 1.8(a) (engaging in an improper business transaction with a client); RPC 1.15(a) and In re Hollendonner, 102 N.J. 21 (1985) (knowingly misappropriating client or escrow funds); RPC 1.15(b) (failure to promptly deliver funds to a third party); RPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer); and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation). Steven J. Zweig appeared before the Supreme Court for the OAE and Marc D. Garfinkle, Esq. represented the respondent. The respondent was previously disciplined: Censured in 2008 and publicly reprimanded in 2013.

**Brian M. Miranda** – Admonished on July 16, 2021 (Unreported) for violating RPC 8.4(d) (conduct prejudicial to the administration of justice) in connection with a commission dispute on a real estate closing. Lisa Marie Black handled the case for the District XII Ethics Committee and Salvatore Alfano, Esq. represented the respondent.

**Greg G. Mordas** – Reprimanded on June 3, 2021 (246 N.J. 461) for violating RPC 5.5(a)(1) (practicing law while ineligible to do so). Colleen L. Burden represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB.

**Benjamin Morton** – Suspended for three months on January 14, 2021, effective February 10, 2021 (244 N.J. 507) for violating RPC 1.5(a) (unreasonable fee); RPC 1.16(a)(1) (prohibited representation); RPC 5.5(a) (unauthorized practice of law); and RPC 7.1(a)(1) (false or misleading communications to a client) for accepting

fees in a divorce for a client, T.M., in Maryland, where he was not admitted to the practice of law and after he had agreed with Maryland authorities to stop engaging in the unauthorized practice of law. Respondent also was ordered to return the sum of \$5,795 to client T.M. within sixty days after the January 14, 2021, filing of the Order. Johanna Barba Jones represented the OAE before the DRB and respondent was pro se. Respondent was previously disciplined: Suspended for three months in 2015 and reprimanded in 2017.

**William J. Munier** – Suspended for three months on June 3, 2021, effective June 23, 2021 (246 N.J. 459) for violating RPC 1.1(a) (gross neglect); RPC 1.3 (lack of diligence); RPC 1.4(b) and (c) (failure to communicate with client); RPC 1.5(a) (unreasonable fee); RPC 1.15(a) (failure to safeguard funds); RPC 1.16(d) (failure to protect a client's interests on 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)(2) (assisting another in the unauthorized practice of law); 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 respondent was pro se. Respondent was previously disciplined: Temporarily suspended and suspended for one year in a separate matter, both in 2020.

**Thomas M. Murphy** - Admonished on October 20, 2021 (248 N.J. 516) on a motion for discipline by consent for violating RPC 1.15(a) (commingling of funds); RPC 1.15(b) (failing to promptly deliver funds to a third party); and RPC 1.15(d) (failure to comply with the recordkeeping requirements of Rule 1:21-6). Ryan J. Moriarty represented the OAE and Vincent J. Nuzzi, Esq. represented the respondent.

**John F. O'Donnell** – Admonished on September 28, 2021 (Unreported) for violation of RPC 1.5(b) (failure to set forth in writing the basis or rate of the legal fee); RPC 1.7(a) (conflict of interest); and RPC 1.8(a) (improper business transaction with a client). HoeChin Kim handled the matter for the OAE and Robert E. Ramsey, Esq. represented the respondent.

**Won Young Oh** – Suspended for three months on May 5, 2021, effective June 1, 2021, on two certified records for violating RPC 5.5(a) (practicing law while ineligible) and RPC 8.1(b) (failure to cooperate with disciplinary authorities). Johanna Barba Jones handled the matter for the OAE and respondent failed to appear.

**Douglas F. Ortelere** - Censured on February 10, 2021 (245 N.J. 154) for violating RPC 5.5(a)(1) (engaging in the

unauthorized practice of law). Susan E. Champion appeared before the DRB for the District XI Ethics Committee and respondent was pro se. The respondent was previously disciplined: Admonition in 2004.

**Daryl Sarrell Pennington** – Admonished on January 26, 2021 (Unreported) for failing to comply with recordkeeping requirements of R.1:21-6 by: failing to maintain an attorney trust account; failing to retain attorney trust account and attorney business account records for the prior seven years; failing to correct improper designations on bank statements, checks and deposit slips; failing to retain trust receipt journals and trust disbursement journals; failing to maintain monthly trust reconciliations; and failing to comply with image-processed requirements, in violation of RPC 1.15(d). Timothy J. McNamara represented the OAE and the respondent was pro se. The respondent was previously disciplined: Admonished in 2020. This matter was discovered solely as a result of the Random Audit Compliance Program.

**Genia C. Philip** - Disbarred on a certified record on February 3, 2021 (\_\_\_ N.J. \_\_\_) for committing knowing misappropriations of trust and escrow funds, in violation of RPC 1.15(a) and the principles of In re Wilson, 81 N.J. 451 (1970) (knowing misappropriation of client funds) and In re Hollendonner, 102 N.J. 21 (1985) (knowing misappropriation of escrow funds) and violations of RPC 1.15(b) (failure to promptly disburse funds), RPC 1.15(d) (failure to comply with recordkeeping requirement of depositing trust/escrow funds in an attorney trust account per Rule 1:21-6), RPC 1.5(b) (failure to set forth in writing the basis or rate of the fee), and RPC 5.5(a)(1) (practicing law while ineligible to do so). HoeChin Kim appeared before the Supreme Court for the OAE, and respondent failed to appear. Respondent was previously disciplined: Admonished in 2016, temporarily suspended in 2017 and censured in 2020.

**Michael A. Purvin** – Reprimanded on September 14, 2021 (248 N.J. 223) for violating RPC 1.15(a) (failure to safeguard client funds and commingling of funds); RPC 1.15(d) and Rule 1:21-6 (recordkeeping violations); and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Amanda Figland represented the OAE and Robert E. Ramsey, Esq. represented respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

**Anthony S. Rachuba, IV** – Disbarred on October 14, 2021 (248 N.J. 507) based on discipline imposed in the Commonwealth of Pennsylvania for conduct that in New Jersey violated RPC 1.15(a) (knowing misappropriation of entrusted funds) and the principles set forth in In re Wilson, 81 N.J. 451 (1979). Hillary Horton represented the OAE and respondent was pro se.



**Kevin Michael Regan** - Censured on November 8, 2021 (249 N.J. 17) for violating RPC 3.2 (failing to treat with courtesy and consideration a person involved in the legal process) and RPC 8.4(g) (engaging, in a professional capacity, in conduct involving discrimination). Jennifer Fortunato represented the District XA Ethics Committee and Gerard E. Hanlon, Esq. represented the respondent.

**Michael F. Rehill** – Reprimanded on January 27, 2021 (\_\_\_N.J.\_\_\_) for engaging in prohibited business transactions with his client (three loans from his client with \$45,000 remaining unpaid) without the required written disclosures and signed consents in violation of RPC 1.8(a). HoeChin Kim represented the OAE and Petar A. Kuridza, Esq. represented respondent in a disciplinary stipulation filed with the DRB. The parties waived argument upon request by the Board.

**Steven Resnick** – Censured on November 10, 2021 (240 N.J. 1) for violating RPC 3.1 (asserting an issue with no basis in law or fact); RPC 3.2 (failing to expedite litigation and failing to treat with courtesy and consideration all persons involved in the legal process); RPC 3.4(e) (in trial, alluding to a matter the lawyer does not reasonably believe is relevant or supported by admissible evidence); RPC 8.2(a) (making a statement the lawyer knows to be false, or with reckless disregard as to its truth or falsity, concerning the qualifications of a judge); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice). Timothy J. McNamara represented the OAE before the Supreme Court and Marc J. Gross, Esq. represented the respondent.

**Grant J. Robinson** – Admonished on July 16, 2021 (Unreported) after a demand audit conducted by the Office of Attorney Ethics revealed multiple recordkeeping deficiencies, in violation of RPC 1.15(d). Lauren Martinez handled the matter for the OAE and Fredric L. Shenkman, Esq. represented the respondent.

**Virginia S. Ryan** – Disbarred by consent on August 17, 2021 (248 N.J. 147) after respondent acknowledged that she knowingly misappropriated her client’s funds by investing the funds without the client’s knowledge. Lauren Martinez represented the OAE and Edward A. Gramigna, Jr., Esq. represented the respondent.

**Darryl M. Saunders** – Suspended for three months on September 15, 2021 (248 N.J. 273) for violating RPC 1.1(a) (gross neglect); RPC 1.3 (lack of diligence); RPC 1.4(b) (failure to communicate client); 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); and RPC 8.1(b) (failure to cooperate with disciplinary authorities). Colleen L. Burden appeared before the Supreme Court for the OAE and respondent was

pro se. Respondent was previously disciplined: Temporarily suspended in 2020 and 2021.

**Thomas Evans Seeley** – Admonished on September 27, 2021 (Unreported) for violating RPC 1.6(a) by carelessly disclosing his client’s privileged e-mail, without his permission, to opposing counsel, in a landlord/tenant matter. Van Lee McPherson, III handled the matter for the District I Ethics Committee and Vincent J. Pancari represented the respondent.

**Dawn A. Segal** - Suspended for three years on April 29, 2021 (146 N.J. 137), following a motion for reciprocal discipline. Respondent’s unethical conduct in the Commonwealth of Pennsylvania constituted the following violation of the following New Jersey RPCs: RPC 8.3(b) (a lawyer who knows that a judge had committed violations of applicable rules of judicial conduct that raise a substantial question as to the judge's fitness for office shall inform the appropriate authority); RPC 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation); RPC 8.4(d) (conduct prejudicial to the administration of justice); and RPC 8.4(f) (knowingly assisting a judge or judicial officer in conduct that is in violation of applicable rules of judicial conduct or other law). Ryan J. Moriarty represented the OAE and respondent was pro se.

**Joel C. Seltzer** – Admonished on October 25, 2021 (Unreported) for failing to set forth the basis or rate of his contingent fee, in writing, to the client, in violation of RPC 1.5(b) and RPC 1.5(c). In a second matter, respondent admitted that he failed to return his client's file to either the client or to the client's new attorney, which forced the new attorney to file an order to show cause to obtain the file, in violation of RPC 1.16(d). Susan B. McCrea handled the matter for the District XII Ethics Committee and respondent was pro se.

**Liliana Silebi** – Suspended for three years on November 17, 2021 (249 N.J. 3) for violating RPC 3.3(a)(1) (making a false statement of material fact or law to a tribunal); RPC 3.3(a)(4) (offering evidence the lawyer knows to be false); RPC 8.1(a) (making a false statement of material fact in a disciplinary matter); RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice). This matter stemmed from the Court’s referral of respondent’s 2018 removal from the bench. HoeChin Kim represented the OAE and Peter R. Willis, Esq. represented respondent.

**Louis Anthony Simoni** - Admonished on April 22, 2021 (246 N.J. 58) for violating RPC 1.15(d) (recordkeeping violations). Lauren Martinez represented the OAE and respondent was pro se on a motion for discipline by consent

granted by the DRB. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Leonard Singer** - Censured on May 27, 2021 (246 N.J. 328) for violating RPC 1.15(b) (failure to safeguard client or third-party funds in the lawyer's possession); RPC 1.15(d) (failure to comply with the recordkeeping requirements of R.1:21-6); and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Timothy J. McNamara represented the OAE and Justin P. Walder, Esq. and Roger Plawker, Esq. represented respondent on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Publicly reprimanded in 1994.

**Michael Collins Smith** - Censured on July 8, 2021 (247 N.J. 215) following his conditional guilty plea in the Superior Court of New Jersey to third-degree possession of a controlled dangerous substance, 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). Lauren Martinez represented the OAE on a motion for final discipline and respondent was pro se.

**Annamarie P. Smits** - Censured on September 14, 2021 (248 N.J. 222) on a disciplinary stipulation for violating RPC 8.4(b) (commission of a criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer). Ryan J. Moriarty represented the OAE and Robert E. Ramsey, Esq. represented the respondent.

**John B. Sogliuzzo** – Disbarred on October 6, 2021 (248 N.J. 578) for the knowing misappropriation and theft of funds from his aunt's estate which rightfully belonged to his sister. Christina Blunda represented the OAE before the Supreme Court and Robert E. Ramsey, Esq. represented the respondent.

**Howard L. Sosnik** – Admonished on June 16, 2021 (246 N.J. 566) based on discipline imposed in New York for unethical conduct that in New Jersey constitutes violations of RPC 1.15(a) (failure to safeguard 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 nonlawyer staff). Ashley Kolata-Guzik appeared before the DRB for the OAE and respondent waived appearance.

**Andrzej Piotr Szymanski** – Admonished on April 27, 2021 (Unreported) for violating RPC 1.1(a) and RPC 1.4(b) in connection with a real estate matter. Nicholas S. Brindisi handled the matter for the District XI Ethics Committee and respondent was pro se.

**Roberta L. Tarkan** – Admonished on October 1, 2021 (Unreported) for engaging in a concurrent conflict of interest in a landlord/tenant matter, which is prohibited under RPC 1.7(a)(1). Arthur E. Amidano handled the matter

for the District VI Ethics Committee and respondent was pro se.

**Frank A. Tobias, Jr.** – Suspended for six months on November 17, 2021, effective December 20, 2021 (249 N.J. 2) based on respondent's conviction in Superior Court pursuant to a plea of guilty to third-degree aggravated assault (N.J.S.A. 2C:12-1b (12)), conduct that violates RPC 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer). Christina Blunda represented the OAE on a motion for final discipline granted by the DRB and respondent was pro se.

**Irving Tobin** – Censured on December 9, 2021 (249 N.J. 96) on a certified record for violating RPC 1.15(d) (failure to comply with the recordkeeping provisions of Rule 1:21-6) and RPC 8.1(b) (failure to cooperate with disciplinary authorities). Timothy J. McNamara handled the matter for the OAE and Raymond S. Londa, Esq. represented the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

**Emily Anne Tran** - Suspended for three months on May 6, 2021, effective June 3, 2021 (245 N.J. 155), following a motion for reciprocal discipline based on discipline imposed in New York for unethical conduct that violated New Jersey RPC 1.15(d) (failure to comply with recordkeeping requirements); RPC 5.5(a)(2) (assisting another in the unauthorized practice of law); RPC 7.5(e) (using an improper professional designation that violates RPC 7.1, which provides that a lawyer shall not make false or misleading communications about the lawyer or the lawyer's services); RPC 8.3 (failure to report another lawyer's RPC violations that raise a substantial question as to that lawyer's honesty, trustworthiness, or fitness); RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice). Hillary Horton represented the OAE and Philip Touitou, Esq. represented the respondent.

**Gerard William Traynor** - Reprimanded on November 5, 2021 (249 N.J. 16) following his guilty plea in the Superior Court of New Jersey to one count of third-degree computer criminal activity, conduct in violation of RPC 8.4(b) (commission of a criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects) and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Lauren Martinez represented the OAE on a motion for final discipline and Robert E. Ramsey, Esq. represented respondent.

**John E. Ursin** – Admonished on July 22, 2021 (Unreported) for engaging in a conflict of interest while representing both

a client who owed back taxes and the government agency the taxes were owed to, violating RPC 1.7(A)(2) (two instances) and RPC 1.8(K) (two instances). Steven Ross handled the matter for the District IIA Ethics Committee and respondent was pro se.

**Joseph Vaccaro** – Reprimanded on March 23, 2021 (245 N.J. 492) following a motion for reciprocal discipline. Respondent violated RPC 1.3 (lack of diligence); RPC 3.3(a)(1) (false statement of material fact or law to a tribunal); and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Hillary Horton represented the OAE and respondent was pro se. The respondent was previously disciplined: Censured in 2020.

**Elizabeth Anne Valandingham** – Disbarred by consent on December 1, 2021 (\_\_\_N.J.\_\_\_) following her conviction for tampering with Public Records or Information in violation of N.J.S.A. 2C:28-7a(2). As part of the plea agreement, the respondent was required to relinquish her law license. Michael S. Fogler handled the matter for the OAE and Anthony J. Iacullo, Esq. represented the respondent.

**Bruce K. Warren, Jr.** – Admonished on November 17, 2021 (249 N.J. 4) for practicing law while administratively ineligible, in violation of RPC 5.5(a)(1), for failure to comply with his Interest on Lawyers Trust Account requirements and his Continuing Legal Education requirements. Gilbert Scutti represented the District IV Ethics Committee before the DRB and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2013.

**Miriam B. Weinstein** - Censured on May 27, 2021 (246 N.J. 329) for violating RPC 1.15(a) (negligent misappropriation of funds); RPC 1.15(b) (failure to notify clients or third parties of receipts of funds in which they have an interest and to promptly disburse those funds); RPC 1.15(d) (failure to comply with the recordkeeping provisions of R.1:21-6); and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Timothy J. McNamara represented the OAE and Shalom D. Stone, Esq. 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 Program.

**Marshall L. Williams** – Suspended for two years on a certified record, effective March 12, 2021 (245 N.J. 153) for violations of RPC 1.1(a) (gross neglect); RPC 1.3 (lack of diligence); RPC 1.4(b) (failure to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information); RPC 3.2 (failure to expedite litigation); RPC 3.3(a)(1) (false statement of material fact to a tribunal); RPC 3.4(c) (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); RPC 5.5(a)(1)/Rule 1:21-1A(a)(3) (unauthorized practice of law; failure to maintain liability insurance while practicing as a professional corporation); RPC 7.1(a) (false or misleading communications about the lawyer, the lawyer’s services, or any matter in which the lawyer has, or seeks a professional involvement); RPC 8.1(b) (failure to cooperate with disciplinary authorities); RPC 8.4(c) (conducting involving dishonesty, fraud, deceit or misrepresentation); and RPC 8.4(d) (conduct prejudicial to the administration of justice). The misconduct stemmed from respondent’s mishandling of a client’s lawsuit in federal court, resulting in sanctions and discipline by the federal court and sister jurisdictions. In addition to the client’s mishandling charges, the OAE’s investigation also resulted in charges that respondent practiced law as a professional corporation without the requisite malpractice insurance, as well as improper letterhead when he listed his admission in Washington, D.C. without also noting his suspension. Respondent’s petition for review and motion to supplement his petition were denied by the Court. HoeChin Kim represented the OAE and respondent was pro se.

**Thomas D. Williamson** – Disbarred by consent on March 9, 2021, (245 N.J. 377). Respondent acknowledged that he was aware that the OAE alleged that he knowingly misappropriated client trust funds, and that if he went to a hearing on that matter, he could not successfully defend himself against those charges. Steven J. Zweig represented the OAE and respondent was pro se. The respondent was previously disciplined: Reprimanded in 2006.

## V. OTHER RELATED ACTIONS

The attorney disciplinary system also handles a significant number of other related actions involving New Jersey attorneys. During 2021, a total of 111 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 2021, a total of four (4) attorneys were the subject of a disability-inactive Order. This represents a decrease from 2020 when seven (7) attorneys were so transferred. Prior years' results were: 2019 – 8; 2018 – 6; and 2017 – 1. 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 2021.

#### **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 2021, a total of 49 matters were approved for diversion by the OAE Director. By the end of the year, 75 diversions were successfully completed and 28 were still pending from 2021 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 2020, 53

diversions were approved. During the last five years, an average of 60 diversions were approved annually. The most common diversion offenses for 2021 were: Money - Recordkeeping (22); Lack of Communication with Client (4); and Conflict of Interest (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 (34). Other required conditions included: completion of a course in New Jersey Trust and Business Accounting (32), and completion of other Continuing Legal Education programs (3). During the prior year (2020), attendance at the Bar Association's Diversionary Course was also the primary remedial condition (34).

#### **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 nine (9) attorneys in 2021, which was 57.1% less than in 2020.

#### **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, 2021, forty-nine (49) 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 Certain Categories 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 DEC's*

The DEC's consist of volunteer members who investigate, prosecute and decide disciplinary matters. For the 2021-2022 term of service, there were 606 volunteer members appointed by the Supreme Court (489 attorneys and 117 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 DEC's.

**District Ethics Committee Officers, as of September 1, 2021**

**Figure 8**

<b>CHAIR</b>	<b>VICE CHAIR</b>	<b>SECRETARY</b>
<b>District I - Atlantic, Cape May, Cumberland and Salem Counties</b>		
Matthew W. Ritter, Esq.	Stephanie Albrecht-Pedrick, Esq.	Christopher C. Fallon, III, Esq.
<b>District IIA – Bergen – North</b>		
Nancy Ann Del Pizzo, Esq.	Jason David Roth, Esq.	Kevin P. Kelly, Esq.
<b>District IIB - Bergen County – South</b>		
James B. Sepowitz, Esq.	Michelle J. Marose, Esq.	William Tellado, Esq.
<b>District IIIA - Ocean County</b>		
Thomas DeNoia, Esq.	Lauren Murray Dooley, Esq.	Steven Secare, Esq.
<b>District IIIB - Burlington County</b>		
John M. Hanamirian, Esq.	Jeffrey P. Resnick, Esq.	Cynthia S. Earl, Esq.
<b>District IV - Camden and Gloucester Counties</b>		
Melissa J. Brown, Esq.	Thomas McKay, III, Esq.	John M. Palm, Esq.
<b>District VA - Essex County – Newark</b>		
David M. Puteska, Esq.	Loly Garcia Tor, Esq.	Natalie S. Watson, Esq.
<b>District VB - Essex County - Suburban Essex</b>		
Arla D. Cahill, Esq.	James H. Forte, Esq.	Paula I. Getty, Esq.
<b>District VC - Essex County - West Essex</b>		
Candy Ley Velazquez, Esq.	Mark H. Friedman, Esq.	Paula I. Getty, Esq.
<b>District VI - Hudson County</b>		

Richard D. DeVita, Esq.	Anthony J. Vignier, Esq.	Daniel P. D'Alessandro, Esq.
<b>District VII - Mercer County</b>		
Anthony Argiropoulos, Esq.	Joseph C. Bevis, III, Esq.	John J. Zefutie, Esq.
<b>District VIII - Middlesex County</b>		
Peter A. Vignuolo, Esq.	Leslie A. Koch, Esq.	Barry J. Muller, Esq.
<b>District IX - Monmouth County</b>		
Claire Scully, Esq.	Justin M. English, Esq.	Mark B. Watson, Esq.
<b>District XA – East Morris and Sussex Counties</b>		
Kevin J. O'Connor, Esq.	Catherine Romania, Esq.	Caroline Record, Esq.
<b>District XB – West Morris and Sussex Counties</b>		
Jeffrey J. Zenna, Esq.	William D. Sanders, Esq.	Caroline Record, Esq.
<b>District XI - Passaic County</b>		
Richard J. Baldi, Esq.	Maria A. Giammona, Esq.	Michael Pasquale, Esq.
<b>District XII - Union County</b>		
Joseph H. Tringali, Esq.	Jonathan Holtz, Esq.	Michael F. Brandman, Esq.
<b>District XIII - Hunterdon, Somerset and Warren Counties</b>		
Anne M. Mohan, Esq.	Rita Ann M. Aquilio, Esq.	Donna P. Legband, Esq.

**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 (Anne C. Singer, Esq., Vice-Chair; Peter J. Boyer, Esq.; Regina Waynes Joseph, Esq.; Peter Petrou, Esq.; and Steven Menaker, Esq.), one is a retired Assignment Judge (Hon. Maurice J. Gallipoli, Chair), and three are



public members (Ms. Eileen Rivera, Mr. Thomas J. Hoberman, and Mr. Jorge A. Campelo). 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 2021, OAE ethics counsel appeared before the Review Board to argue a total of 65 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 in 2021 were Justice Jaynee LaVecchia (appointed in 2000; tenured in 2007; retired); 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; tenured in 2021); 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 2021, OAE ethics counsel appeared a total of 32 times for oral argument in disciplinary cases. Arguments are televised in real time via streaming video technology over the Internet. Arguments can be accessed from the Judiciary's Website at [www.njcourtsonline.com](http://www.njcourtsonline.com) by clicking on the WEBCAST icon.

#### **D. FINANCING ATTORNEY DISCIPLINE**

##### *1. Annual Attorney Registration Fee*

The attorney disciplinary system in New Jersey is funded exclusively from the Supreme Court's annual mandatory registration assessment on lawyers. No taxpayers' money is used. The assessment constitutes dedicated funds earmarked exclusively for the attorney discipline and fee arbitration systems. *R.1:20-2(b)*. The annual billing also funds the Lawyers' Fund for Client Protection, *R.1:28-2* (which reimburses clients whose monies have been taken by lawyers through dishonest conduct), as well as the Lawyers' Assistance Program (which helps lawyers with alcohol, substance abuse and other problems). For calendar year 2021, 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, 2021, survey prepared by the OAE for the National Organization of Bar Counsel, Inc., showed that New Jersey ranked 6th in attorney size (with 97,971 attorneys) out of 51 United States jurisdictions. The survey also demonstrated that the Garden State ranked 43<sup>rd</sup> (at \$212) in the amount of mandatory fees required to practice. In 2020, New Jersey also ranked 6<sup>th</sup> in attorney size and 43<sup>rd</sup> in mandatory fees.

##### *3. Disciplinary Oversight Committee*

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

The Oversight Committee for 2021 consisted of six attorneys (Matthew P. O'Malley, Esq., Chair; R. James Kravitz, Esq., Vice-Chair; Paris P. Eliades, Esq.; Hon. Nesle A. Rodriguez, P.J.F.P.; Ronald J. Uzdavinis, Esq.; and Rasheda Seneca Douglas, Esq.), and five public members (Mr. Luis J. Martinez, Ms. Nora Poliakoff, Mr. Barry Davidson, Ms. Judith E. Burgis, and Thomas J. Reck), all of whom serve *pro bono*.

The annual disciplinary budget for calendar year 2021 was \$13,454,521. Sixty percent (61%) was allocated to the OAE and 18% 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. During 2021, the OAE Legal Group consisted of a Director, First Assistant, four Assistant Ethics Counsel, nine Deputy Ethics Counsel, and two 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 supervisor, a network administrator, and a systems analyst.

*3. Support Group*

The OAE's Support Group consists of 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 an Assistant Deputy Ethics Counsel. Both are supported by an administrative assistant, a clerical assistant, and a clerk/hearings administrator.

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

## VII. ATTORNEY FEE ARBITRATION

### A. HISTORY AND PURPOSE

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

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

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

### B. ADMINISTRATION

The OAE administers the district fee arbitration system, pursuant to the Rules of the New Jersey Supreme Court. Assistant Ethics Counsel Darrell Felsenstein is the OAE's Statewide Fee Arbitration Coordinator. The OAE Fee Arbitration Unit was staffed during 2021 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 2021-2022 term of service on the fee arbitration committees, there were 336 members appointed by the Supreme Court (232 attorneys and 104 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.

CHAIR	VICE CHAIR	SECRETARY
<b>District I – Atlantic Cape May, Cumberland and Salem Counties</b>		
Henry J. Kowalski, III, Esq.	Beth White, Esq.	Michael A. Pirolli, Esq.
<b>District IIA – North Bergen County</b>		
Todd I. Siegel, Esq.	Gloria K. Oh, Esq.	Terrence J. Corrison, Esq.
<b>District IIB – South Bergen County</b>		
David T. Robertson, Esq.	Lynda Picinic, Esq.	Michael J. Sprague, Esq.
<b>District IIIA – Ocean County</b>		
Stacie A. Brustman, Esq.	Jerry J. Dasti, Esq.	Lisa E. Halpern, Esq.
<b>District IIIB – Burlington County</b>		
Ashley H. Buono, Esq.	Eli L. Eytan, Esq.	Albert M. Afonso, Esq.
<b>District IV – Camden and Gloucester Counties</b>		
Patrick J. Madden, Esq.	Sharon A. Ferrucci, Esq.	Marian I. Kelly, Esq.
<b>District VA – Essex County – Newark</b>		
Michael J. Dee, Esq.	Samuel I. Portnoy, Esq.	Jodi Rosenberg, Esq.
<b>District VB – Essex County – Suburban Essex</b>		
Lisa Besson Geraghty, Esq.	Tanya L. Freeman, Esq.	Harvey S. Grossman, Esq.
<b>District VC Essex County – West Essex</b>		
Lorraine S. Gauli-Rufo, Esq.	Ana Rita Ferreira, Esq.	Peter J. Kurshan, Esq.
<b>District VI – Hudson County</b>		
Jeffrey M. Bloom, Esq.	Michael R. Shulman, Esq.	Marvin R. Walden, Jr., Esq.
<b>District VII – Mercer County</b>		
Christine Bator, Esq.	William Gibson, Esq.	William P. Isele, Esq.
<b>District VIII – Middlesex County</b>		
Steven Nudelman, Esq.	Deborah A. Rose, Esq.	William P. Isele, Esq.
<b>District IX – Monmouth County</b>		
Thomas J. Smith, III, Esq.	Barbara Birdsall, Esq.	Robert J. Saxton, Esq.
<b>District X – Morris and Sussex Counties</b>		
Linda A. Mainenti Walsh, Esq.	Alyssa M. Clemente, Esq.	Patricia J. Cistaro, Esq.
<b>District XI – Passaic County</b>		
Laurie W. Fiedler, Esq.	Santiago D. Orozco, Esq.	Jane E. Salomon, Esq.
<b>District XII – Union County</b>		
Victoria D. Miranda, Esq.	Robert Ricci, Jr., Esq.	Carol A. Jeney, Esq.
<b>District XIII – Hunterdon, Somerset and Warren Counties</b>		
Diana N. Fredericks, Esq.	Howard D. Cohen, 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 2021, Fee Committees handled a total of 824 matters, including new cases filed and those that reached a disposition during that year. The committees began the year with 395 cases pending from 2020. During the year, 429 new matters were added. **Figure 10.** A total of 519 cases were disposed of, leaving a balance of 305 matters pending at year's end. At the conclusion of 2021, the average number of cases pending before each of the 17 Fee Committees was 17.9 cases per district.

The 429 new filings received in 2021 involved claims against roughly .6% of the active New Jersey attorney population (74,358). 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
2021	429	-26.8%
2020	586	-26.4%
2019	796	-6.9%
2018	855	-1.5%
2017	868	-

For a more nuanced view of what these numbers may indicate, the number of fee arbitration cases filed with the district committees each year (429 in 2021) may be compared with the hundreds of thousands of legal matters filed with the courts, and the hundreds of thousands of non-litigated matters (real estate, wills, business transactions and government agency matters, etc.) handled annually in other forums.

**Figure 10**

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

##### 1. Financial Results

As in 2020, District Fee Committees arbitrated matters involving a total of over \$7.4 million in legal fees during 2021. 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 317 hearings during 2021, involving almost \$7.1 million in total attorneys' fees charged. In 44.8% of the cases (142 hearings), the hearing panels upheld the attorney fees in full. In the balance of 53.6% of the fee cases (170 hearings), the hearing panels reduced the attorney fees by a total of almost \$1 million, which represents 22.8% of the total billings subject to reduction (\$1 million out of the total of \$4.3 million subject to reduction).

For an overview of the amounts at issue, the 170 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 – 20 cases  
\$2,001 to \$5,000 – 40 cases  
\$5,000 to \$10,000 – 35 cases  
\$10,001 to \$20,000 – 14 cases  
\$20,001 to \$50,000 – 10 cases  
Over \$50,000 – 1 cases

For *all* cases which proceeded to a hearing with an Arbitration Determination issued by the hearing panel, the average amount billed was \$22,370. The median amount billed was \$11,525. The average amount of the reductions in all cases which proceeded to an Arbitration Determination was \$5,864, with a median reduction amount of \$3,345.

It should be noted that the parties reached settlement without a hearing in an additional 101 cases. The total fees at issue in the cases settled by the parties involved \$347,660 in attorney fees. The attorneys agreed to a reduction in fees without going to a hearing in 35 of those cases (34.7% 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 519 cases that proceeded from file-opening to case-closing in calendar year 2021, 57.2% reached disposition in fewer than 180 days (297 out of 519 total cases). The Fee Committees resolved 71 fewer cases in that interval than during the preceding calendar year, when 368 cases out of a total caseload of 583 were resolved in under 180 days. The data for 2021 shows that the Fee Committees resolved almost 11% fewer cases overall than during the preceding calendar year. Ninety-eight (98) of the total cases resolved during 2021 were resolved within 60 days of filing. For 2020, 134 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 (34.2%) on average. Criminal matters (including indictable, quasi-criminal and municipal court cases) ranked second in frequency (14.3%). Third place was filled by General Litigation at almost 10.3%. Real Estate, at 4.1% came in fourth place, and Contract Matters came in fifth place at 3.4%. 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 nine (9) 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 40 years after RAP first began, the conclusion is that the overwhelming majority of private New Jersey law firms (98.5%) account for clients' funds honestly and without incident. While technical accounting deficiencies are found and corrected, the fact is that only 1.5% 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 2021, the RAP staff was managed by Chief Auditor Joseph Strieffler, who joined the OAE in 1998. Other staff included two Senior Random Auditors, as well as four additional Random Auditors.

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

**Figure 11**

<b>2021 RAP Sanctions</b>				
<b>Attorney</b>	<b>County</b>	<b>Sanction</b>	<b>Citation</b>	<b>Final Violation</b>
Aljaludi, Zak A.	Bergen	Disbarment	248 NJ 268	Money - Knowing Misappropriation [1.15]
Anderson, Rosemarie	Bergen	Disbarment	248 NJ 576	Money - Knowing Misappropriation [1.15]
Caruso, Dominic V.	Passaic	Suspension (6 months)	248 NJ 426	Money – Negligent Misappropriation [1.15]
Kim, Peter Hyun	Bergen	Disbarment by Consent	246 NJ 241	Money - Knowing Misappropriation [1.15]
Lerner, Bruce W.	Out of State	Disbarment by Consent	247 NJ 420	Money - Knowing Misappropriation [1.15]
Leven, Lawrence A.	Essex	Reprimand	245 NJ 491	Non-Cooperation [8.1(b)]
Maloney, Michael J.	Monmouth	Reprimand	246 NJ 567	Money – Negligent Misappropriation [1.15]
Pennington, Daryl S.	Burlington	Admonition	242 NJ 137	Non-Cooperation [8.1(b)]
Purvin, Michael A.	Hudson	Reprimand	248 NJ 223	Misrepresentation [8.4(c)]
Tobin, Irving	Union	Censure	249 NJ 96	Non-Cooperation [8.1(b)]
Weinstein, Miriam B.	Ocean	Censure	246 NJ 329	Misrepresentation [8.4(c)]

During the 40 years of RAP’s operation, serious financial misconduct by 245 attorneys was detected solely as a result of being randomly selected for audit. These attorneys received the following discipline: 110 attorneys were disbarred; 20 were suspended for periods of three months to two years; 22 were censured; 65 were reprimanded; and 28 received admonitions. The vast majority of the matters detected were very serious disciplinary cases that resulted in disbarment or suspension. Disbarred (110) and suspended (20) attorneys account for more than five in ten of all attorneys disciplined as a result of RAP’s efforts (53.06%). However, discipline alone does not adequately emphasize the full importance of RAP’s role over the past 40 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 2021, there were a total of 98,957 attorneys admitted to practice in the Garden State according to figures from the Lawyers' Fund for Client Protection (**Figure 12**). Historically, New Jersey has been among the faster growing lawyer populations in the country. This may be attributable to its location in the populous northeast business triangle between New York, Philadelphia and Washington, D.C. The total number of lawyers added to the bar population increased by 1% in 2021. With a general population of 9,267,130, there is now one lawyer for every 94 Garden State citizens.

According to a July 1, 2021 survey compiled by the OAE for the National Organization of Bar Counsel, Inc., a total of 2,172,275 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 4.51% 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
2020	97,971
2021	98,957

**Figure 12**

### B. ADMISSIONS

As of December 31, 2021, the attorney registration database counted a total of 100,156<sup>1</sup> New Jersey-admitted attorneys. Forty-seven point seven percent (47.7%) were admitted since 2001 and 23% were admitted between 1991-2000. The other twenty-nine point four (29.4%) were admitted in 1990 or earlier.

Breakdowns by periods are: 1950 and earlier - 83 (.1%); 1951-1960 - 492 (.6%); 1961-1970 - 2,515 (2.5%); 1971-1980 - 8,312 (8.3%); 1981-1990 - 18,017 (18%); 1991-2000 - 22,972 (22.9%); 2001-2010 - 23,485 (23.5%); and 2011-2021 - 24,250 (24.2%).

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



YEAR ADMITTED		
Year	Number	Percent
<1950	83	0.1%
1951-1955	157	0.2%
1956-1960	365	0.4%
1961-1965	771	0.8%
1966-1970	1,744	1.7%
1971-1975	3,722	3.7%
1976-1980	4,590	4.6%
1981-1985	7,293	7.3%
1986-1990	10,724	10.7%
1991-1995	12,006	12.0%
1996-2000	10,966	10.9%
2001-2005	10,713	10.7%
2006-2010	12,772	12.8%
2011-2015	14,327	14.3%
2016-2021	9,923	9.9%
<b>Totals</b>	<b>100,156</b>	<b>100.00%</b>

**Figure 13**

**C. ATTORNEY AGE**

Of the 100,156 attorneys for whom some registration information was available, 99,952 (99.8%) provided their date of birth. A total of 204 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 close to twenty-three percent (22.9%, or 22,944). The 40-49 year category comprised 21.3%, or 21,343 lawyers. Another twenty-one point three percent (21.3%, or 21,286) were between the ages of 30-39. The fewest numbers of attorneys were in the following age groupings: 29 and under (2.9%, or 2,883), 60-69 (17.9%, or 17,835), 70 - 79 (10.3%, or 10,234) and 80 and older (3.5% or 3,507). (**Figure 14**)

<b>AGE GROUPS</b>		
<b>Age</b>	<b>Number</b>	<b>Percent</b>
< 25	109	0.1%
25-29	2,774	2.8%
30-34	8,669	8.7%
35-39	12,617	12.6%
40-44	11,624	11.6%
45-49	9,719	9.7%
50-54	11,856	11.9%
55-59	11,008	11.0%
60-64	9,887	9.9%
65-69	7,948	8.0%
70-74	6,155	6.2%
75-80	4,079	4.1%
> 80	3,507	3.5%
<b>Totals</b>	<b>99,952</b>	<b>100.00%</b>

**Figure 14**

**D. OTHER ADMISSIONS**

More than seventy-seven point one percent (77.1%) of the 100,156 attorneys for whom some registration information was available were admitted to other jurisdictions. Slightly less than twenty-three percent (22.9%) of all attorneys were admitted only in New Jersey. (Figures 15 & 16)

<b>Admissions</b>	<b>Attorneys</b>	<b>Percent</b>
Only In New Jersey	22,931	22.9%
Additional Jurisdictions	77,225	77.1%
<b>Totals</b>	<b>100,156</b>	<b>100.00%</b>

**Figure 15**

ADMISSIONS IN OTHER JURISDICTIONS					
Jurisdiction	Admissions	Percent	Jurisdiction	Admissions	Percent
New York	47,287	46.83%	South Carolina	124	0.12%
Pennsylvania	26,975	26.71%	Vermont	124	0.12%
District of Col.	6,894	6.83%	Indiana	123	0.12%
Florida	3,509	3.47%	Nevada	120	0.12%
California	2,089	2.07%	Rhode Island	104	0.10%
Connecticut	1,838	1.82%	Oregon	102	0.10%
Massachusetts	1,587	1.57%	Kentucky	85	0.08%
Maryland	1,261	1.25%	New Mexico	81	0.08%
Delaware	866	0.86%	Hawaii	77	0.08%
Virginia	859	0.85%	Alabama	73	0.07%
Illinois	817	0.81%	Virgin Islands	72	0.07%
Texas	780	0.77%	Kansas	58	0.06%
Georgia	609	0.60%	Iowa	49	0.05%
Colorado	535	0.53%	Utah	48	0.05%
Ohio	488	0.48%	Oklahoma	46	0.05%
North Carolina	415	0.41%	Nebraska	43	0.04%
Arizona	315	0.31%	Puerto Rico	37	0.04%
Michigan	311	0.31%	Arkansas	36	0.04%
Washington	244	0.24%	Montana	36	0.04%
Minnesota	238	0.24%	Alaska	33	0.03%
Missouri	225	0.22%	Mississippi	26	0.03%
Tennessee	194	0.19%	Idaho	18	0.02%
Wisconsin	169	0.17%	North Dakota	11	0.01%
West Virginia	146	0.14%	South Dakota	7	0.01%
Maine	141	0.14%	Guam	3	0.00%
Louisiana	132	0.13%	Wyoming	0	0.00%
New Hampshire	132	0.13%	Invalid Responses	390	0.39%
			<b>Total Admissions</b>	<b>100,982</b>	<b>100.00%</b>

**Figure 16**

### E. PRIVATE PRACTICE

Of the 100,156 attorneys on whom registration information was tabulated, 36,367 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-six percent (36.3%) of the attorneys engaged in the private practice of New Jersey law, while more than 63% (63.7%) did not practice in the private sector.

Of those who engaged in the private practice of New Jersey law, close to fifty-eight percent (57.8%) practiced full-time, almost twenty-two percent (21.6%) rendered legal advice part-time, and just over twenty percent (20.5%) engaged in practice occasionally (defined as less than 5% of their time). Point one percent (.1%) of responses were unspecified.

## Private Practice of New Jersey Law

<b>PRIVATE PRACTICE OF NEW JERSEY LAW</b>		
<b>Response</b>	<b>Number</b>	<b>Percent</b>
<b>NO</b>	63,789	63.7%
<b>YES</b>	36,367	36.3%
Full-time	21,018	
Part-time	7,845	
Occasionally	7,444	
Unspecified	60	
<b>Total</b>	<b>100,156</b>	<b>100%</b>

**Figure 17**

### 1. *Private Practice Firm Structure*

Of the 36,367 attorneys who indicated they were engaged in the private practice of New Jersey law, 97.6% (35,493) provided information on the structure of their practice. The largest group were partners at 33.2% (12,074). Close to thirty-one percent (30.8%) of the responding attorneys practiced in sole proprietorships (sole practitioners (9,942) plus sole stockholders (1,221)). Associates were at 23.8% (8,629), followed by attorneys who were of counsel with 7.8% (2,845), and other than sole stockholders with 2.2% (782).

### Private Practice Firm Structure

<b>PRIVATE PRACTICE STRUCTURE</b>		
<b>Structure</b>	<b>Number</b>	<b>Percent</b>
Sole Practitioner	9,942	27.4%
Sole Stockholder	1,221	3.4%
Other Stockholders	782	2.2%
Associate	8,629	23.8%
Partner	12,074	33.2%
Of Counsel	2,845	7.8%
<b>Total</b>	<b>35,493</b>	<b>100.00%</b>

**Figure 18**

### 2. *Private Practice Firm Size*

More than ninety-nine percent (99.9% or 36,319) 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. Thirty percent (30%, or 10,882) said they practiced alone; 8.4% (3,059) worked in two-person law firms; 8.4% (4,632) belonged to law firms of 3-5 attorneys; 27.6% (10,043) were members of law firms with 6-49 attorneys, and 21.2% (7,702) worked in firms with 50 or more attorneys.

SIZE OF LAW FIRMS		
Firm Size	Number	Percent
One	10,883	30%
Two	3,059	8.4%
3 to 5	4,632	12.8%
6 to 10	3,317	9.1%
11 to 19	2,864	7.9%
20 to 49	3,862	10.6%
50 >	7,702	21.2%
<b>Total</b>	<b>36,319</b>	<b>100.00%</b>

**Figure 19**

**3. Private Practice Law Firm Number**

No exact figures exist on the number of law firms that engage in the private practice of New Jersey law. Nevertheless, a reasonably accurate estimate can be made based on the 36,367 attorneys who indicated they engaged in the private practice of New Jersey law. A total of 36,319 (99.9%) 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 (75.4%) were solo practice firms, while almost 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	10,883	1	10,883	75.4%
Two	3,059	2	1,530	10.6%
3 to 5	4,632	4	1,158	8.0%
6 to 10	3,317	8	415	2.9%
11 to 19	2,864	15	191	1.3%
20 to 49	3,862	35	110	.7%
50 >	7,702	50	154	1.0%
<b>Total</b>	<b>36,319</b>		<b>14,441</b>	<b>100.00%</b>

**Figure 20**

**4. Bona Fide New Jersey Offices**

New Jersey attorneys are no longer required to maintain a bona fide office in New Jersey. Nevertheless, almost seventy-four percent (73.7%) of New Jersey attorneys (26,809) have a bona fide office in the state. Slightly over twenty-six percent (26.3%) of New Jersey attorneys (9,544) had offices located in other jurisdictions: New York 12.0% (4,345),

Pennsylvania 12.3% (4,456), Delaware less than 1% (120), and various other United States jurisdictions represent 1.7% (623). This data is not available for 14 attorneys.

<b>BONA FIDE LAW OFFICE</b>		
<b>State</b>	<b>Number</b>	<b>Percent</b>
<b>New Jersey</b>	26,809	73.7%
<b>Pennsylvania</b>	4,456	12.3%
<b>New York</b>	4,345	12.0%
<b>Delaware</b>	120	0.3%
<b>Other</b>	623	1.7%
<b>No State Listed</b>	14	0.04%
<b>Total</b>	<b>36,367</b>	<b>100%</b>

**Figure 21**

**5. Bona Fide Private Office Locations**

Practically all of the 26,809 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 15.8% (4,235), followed by Bergen County with 13.3% (3,556). Morris County was third at 12.1% (3,247), and Camden County was fourth with 8.2% (2,201).

<b>ATTORNEYS WITH BONA FIDE OFFICES</b>					
<b>County</b>	<b>Number</b>	<b>Percent</b>	<b>County</b>	<b>Number</b>	<b>Percent</b>
Atlantic	570	2.1%	Middlesex	1,672	6.2%
Bergen	3,556	13.3%	Monmouth	1,987	7.4%
Burlington	1,571	5.9%	Morris	3,247	12.1%
Camden	2,201	8.2%	Ocean	725	2.7%
Cape May	163	0.6%	Passaic	773	2.9%
Cumberland	139	0.5%	Salem	37	0.1%
Essex	4,235	15.8%	Somerset	960	3.6%
Gloucester	360	1.3%	Sussex	208	0.8%
Hudson	920	3.4%	Union	1,433	5.4%
Hunterdon	272	1.0%	Warren	138	0.5%
Mercer	1,603	6.0%	No County Listed	1	0.0%
<b>Total</b>				<b>26,771</b>	<b>100.00%</b>

**Figure 22**