

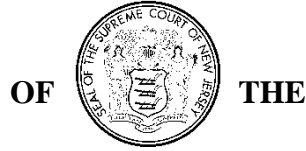
2018 STATE OF THE ATTORNEY DISCIPLINARY SYSTEM REPORT



Hon. Stuart Rabner
Chief Justice
Supreme Court of New Jersey

Charles Centinaro
Director
Office of Attorney Ethics

OFFICE OF ATTORNEY ETHICS



OF THE SUPREME COURT OF NEW JERSEY

CHARLES CENTINARO
Director

P.O. BOX 963
TRENTON, NEW JERSEY 08625
Phone: 609-530-4008

OFFICE OF DIRECTOR

April 17, 2019

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

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

- Fifteen (15) (or 7.8%) more attorneys were disciplined in 2018 (207) than in 2017 (192).
- New investigations decreased by 7.1% (1,224) from the filings in 2017 (1,318).
- For the first time in five years, new formal complaints (and other charging documents) decreased, by 11% percent (291) compared to 2017 (327).
- OAE's yearly average investigative time goal compliance decreased by 5% to 73%.
- District Ethics Committees' yearly average time goal compliance for 2018 increased from 65% to 68%.
- OAE ethics counsel appeared before the Supreme Court on 34 occasions for oral argument in 2018.
- District Fee Arbitration Committees handled a total of 1,312 cases involving more than \$11.1 million in legal fees during 2018.
- The Random Audit Compliance Program conducted 582 audits of law firms in 2018.
- Eleven (11) lawyers were disciplined (including seven disbarments) through the detection efforts of the Random Audit Compliance Program.
- As of December 31, 2018, the attorney population was 98,657 – one attorney for every 91 New Jersey citizens.
- The Garden State ranks 6th in the nation in the number of attorneys admitted to practice.
- New Jersey ranks 43rd in the country (at \$212) in annual attorney licensing fees charged.

- A total of nineteen (19) lawyers were disciplined in 2018 due to the Trust Overdraft Notification Program.

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

Respectfully submitted,

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

Charles Centinaro, Director
Office of Attorney Ethics

TABLE OF CONTENTS

	Page
I. The Year in Review	
A. Case Processing	1
B. Ninth Annual OAE Training Conference	2
C. Discipline	2
II. Attorney Disciplinary Process and Procedure	
A. Grievances	3
B. Investigations	3
C. Complaints	5
D. Hearings	5
III. Sanctions	
A. Types of Disciplinary Sanctions	7
B. Final Discipline	7
C. Emergent Action	8
D. Total Discipline	9
IV. Grounds for Final Discipline	
A. Knowing Misappropriation	16
B. Other Money Offenses	17
C. Dishonesty, Fraud, Deceit and Misrepresentation	18
D. Criminal Convictions	18
E. Gross Neglect/Lack of Diligence/Competence.....	18
F. Conflict of Interest.....	18
G. Unauthorized Practice of Law	18
H. Non-Cooperation with Ethics Authorities	18
I. Candor toward Tribunal	19
J. Ineligible Practicing Law.....	19
K. Lack of Communication	19
L. Administration of Justice	19
M. Fees.....	19
N. Withdrawing/Terminating Representation	19
V. Other Related Actions	
A. Disability-Inactive Status	40
B. Contempt	40
C. Diversions	40
D. Reinstatement Proceedings	41
E. Monitored Attorneys	41
VI. Disciplinary Structure	
A. District Ethics Committees	43
B. Disciplinary Review Board	44
C. Supreme Court of New Jersey.....	45
D. Financing Attorney Discipline	45
E. Office of Attorney Ethics	46
VII. Attorney Fee Arbitration	
A. History and Purpose	49
B. Administration.....	49
C. Structure	49
D. Annual Caseload.....	52
E. Nature of Cases	53
F. Enforcement	54

	Page
VIII. Random Audit Program	
A. Purpose.....	55
B. Administration.....	56
C. Randomness and Selection.....	56
D. Standards for Accounting	56
E. Auditing Procedures	56
F. Compliance Through Education.....	57
G. Disciplinary Actions	57
IX. Attorney Registration	
A. Attorney Population	59
B. Admissions.....	59
C. Attorney Age	60
D. Other Admissions.....	61
E. Private Practice	62

TABLE OF FIGURES

<u>FIGURE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1	Changes in Investigations	4
2	Lawyer-Grievance Analysis	4
3	Changes in Complaints	5
4	Five-Year Sanction Trend	9
5	Yearly Discipline Report	10
6	2018 Disciplinary Summaries	20
7	Attorney Disciplinary System	42
8	2018-2019 District Ethics Committee Officers	43
9	2018-2019 District Fee Committee Officers	50
10	Changes in Fee Disputes	52
11	2018 RAP Sanctions	58
12	Attorneys Admitted	59
13	Year Admitted	60
14	Attorney Age Groups	61
15	Other Admissions	61
16	Admissions in Other Jurisdictions	62
17	Private Practice of New Jersey Law	63
18	Private Firm Structure	63
19	Private Firm Size	64
20	Number of Law Firms	64
21	Bona Fide Office Locations	65
22	Attorneys with Bona Fide Private Offices	66

I. THE YEAR IN REVIEW

A. CASE PROCESSING

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

1. Investigations

a. Time Goal Compliance

The OAE's compliance with the Supreme Court's time goals for investigating cases decreased from 78% for 2017 to 73% for 2018. The Ethics Committees' average time goal compliance for the year increased from 65% for 2017 to 68% for 2018.

b. Age of Investigations

The average age of the OAE's pending investigations increased from 179 days for 2017 to 197 days for 2018. The average age of the Ethics Committees' pending investigations decreased from 168 days for 2017 to 157 days for 2018.

c. Backlog

The OAE's average backlog increased by 5% to 27% for 2018. Also, the percentage of investigations over one year old as of December 31, 2018, was 16%. The backlog of the Ethics Committees decreased by 3% to 32%.

d. Investigations Added

In 2018, fewer new investigations were added to the joint docket of the OAE and Ethics Committees than in 2017. Specifically, 1,224 new investigations were commenced in 2018, as opposed to 1,318 investigations in 2017. Stated differently, new investigations decreased by 7.1% in 2018.

2. Hearings

a. Age of Hearings

In 2018, the average age of the OAE's disposed hearings decreased by five days. The average age of the Ethics Committees' disposed hearings in 2018 also decreased, by 19 days.

b. Complaints Filed

The OAE and Ethics Committees filed fewer complaints in 2018 than in 2017. Two hundred and ninety-one (291) complaints were added in 2018, compared to the 327 complaints added in 2017. In other words, complaints decreased by 11%.

B. NINTH ANNUAL OAE TRAINING CONFERENCE

Improving efficiency is a top priority of the OAE, but not at the expense of quality and thorough investigations and fair prosecutions and adjudications. To help ensure and improve the quality and effectiveness of attorney regulation, the OAE supplements its regular training of the professionals and volunteers involved in attorney discipline by hosting an all-day training conference. The ninth annual conference was held at the Robert Wood Johnson Fitness & Wellness Center in Hamilton, New Jersey on October 19, 2018.

Associate Justice Walter Timpone delivered the Opening Remarks for the OAE's Ninth Annual Training Conference. Justice Timpone discussed the important work being done by all facets of the disciplinary system. He specifically noted the difficult but essential role played by the volunteers serving on the ethics and fee committees. He thanked the volunteers for the countless hours spent on their cases, learning about ethics law, and ensuring that each matter was handled with civility, fairness and honesty. He noted the role of the DRB and Board Counsel specifically in drafting helpful and well-reasoned ethics opinions to guide the course of the New Jersey bar. He noted the other ethics professionals, such as the members of the Committee on Character, Bar Admissions, and the Office of Attorney Ethics, and then discussed lawyer well-being and the role of the New Jersey Lawyers' Assistance Program. He concluded his remarks by noting that New Jersey's ethics system continued to innovate and inspire, always with the goal of maintaining the highest integrity in the bar.

Justice Timpone's remarks were followed by nine workshops designed to meet the specific training needs of all those involved in the screening, investigation, prosecution, and adjudication of attorney disciplinary matters. A total of 185 staff and volunteers attended the training conference.

C. DISCIPLINE

A total of 207 attorneys were sanctioned by the New Jersey Supreme Court in 2018. (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 2017, 192 attorneys were sanctioned. Therefore, 7.8% more attorneys were disciplined than one year ago.

II. ATTORNEY DISCIPLINARY PROCESS AND PROCEDURE

A. GRIEVANCES

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

B. INVESTIGATIONS

1. *Clear and Convincing Evidence*

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

2. *Confidentiality*

Pursuant to *R.1:20-9(b)*, all disciplinary investigations are confidential until and unless a formal complaint or other charging document has been filed and served upon the attorney-respondent. Thereafter, the pleadings and 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 2018 with a total of 939 investigations carried over from prior years. During the year, 1,224 new investigations were added for a total disposable caseload of 2,163. A total of 1,265 investigations were completed and disposed of, leaving a total of 898 pending investigations at year's end. Of that number, 152 were in untriable status, leaving an active pending investigative caseload of 746 matters.

During 2018, the number of grievances docketed and assigned for investigation decreased by 7.1%, compared to the 1,318 new filings recorded in 2017. **(Figure 1)**.

Changes in Investigations

Year	Filings	Change
2018	1,224	-7.1%
2017	1,318	-4.4%
2016	1,379	15.8%
2015	1,191	-10.2%
2014	1,327	-

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 2018, only 1.63% of the 75,207 active lawyers as of December 31, 2018 had grievances docketed against them. (**Figure 2**).

Lawyer-Grievance Analysis

Year	Filings	Lawyers*	Percent
2018	1,224	75,207	1.63%
2017	1,318	75,131	1.75%
2016	1,379	75,137	1.84%
2015	1,191	75,526	1.58%
2014	1,327	75,108	-

* 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 2018 was 73%, 5% lower than for 2017. The average time goal compliance rate at the Ethics Committee level increased from 65% for 2017 to 68% for 2018.

The OAE's average age of pending investigations increased from 179 days for 2017 to 197 for 2018. The average age of pending investigations of the Ethics Committees, on the other hand, decreased, from 168 days in 2017 to 157 days for 2018.

The OAE's average backlog of investigations increased to 27% for 2018. The average backlog of the Ethics Committees decreased from 35% for 2017 to 32% for 2018.

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 39), a formal complaint is filed and served on the respondent-attorney, who has 21 days to file an answer.

1. *Statewide Formal Complaints*

The disciplinary system began calendar year 2018 with a total of 351 complaints carried over from prior years. During the year, 291 new complaints were added for a total disposable caseload of 642. A total of 291 complaints were disposed of through the hearing process, leaving 351 pending complaints at year's end. Of that number, 14 were in untriable status, leaving an active pending caseload of 337 complaints.

The number of new formal complaints filed in 2018 (291) decreased by 11% from 2017 (327). The number of complaints filed in each of the last five years is listed in **Figure 3**.

Changes in Complaints

Year	Filings	Change
2018	291	-11%
2017	327	17.2%
2016	279	19.2%
2015	234	3.5%
2014	226	-

Figure 3

D. HEARINGS

1. *Hearing Panels or Special Ethics Masters*

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

2. *Procedure*

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

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

3. *Public Hearings*

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

4. *Age of Disposed Hearings*

In 2018, the average age of the OAE's disposed hearings decreased by five days, from 492 days in 2017 to 487 days in 2018. The average age of the disposed hearings of the Ethics Committees also decreased, by 19 days, from 371 days in 2017 to 352 days in 2018.

III. SANCTIONS

A. TYPES OF DISCIPLINARY SANCTIONS

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

B. FINAL DISCIPLINE

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

The OAE represents the public interest in all arguments before the Supreme Court. OAE attorneys appeared 34 times for oral argument in discipline cases in 2018. Arguments are streamed in real time over the Internet and can be accessed at the Judiciary's Website -- www.njcourtsonline.com -- by clicking on the WEBCAST icon.

In 2018, the Supreme Court imposed final discipline on 174 New Jersey attorneys. Prior years' totals were: 156 in 2017, 130 in 2016, 116 in 2015, and 150 in 2014. **Figure 5** at page 10 contains a list of all final and emergent action, as well as all reinstated attorneys for 2018.

1. *Forms of Final Discipline*

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

a. Disbarment

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

b. Suspension

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

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

c. Censure

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

d. Reprimand

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

e. Admonition

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

2. *Discipline Imposed by the Supreme Court*

The 174 final sanctions imposed in 2018 include 17 disbarments by Order of the Supreme Court, 18 disbarments by consent of the respondent, 54 term suspensions, 1 suspended suspension, 0 indeterminate suspensions, 32 censures, 27 reprimands, and 25 admonitions.

Comparisons of 2018 sanctions with the prior year are as follows: disbarments by Order of the Supreme Court decreased by 39.3% (17 vs. 28); disbarments by consent increased by 28.6% (18 vs. 14); term suspensions increased by 54.3% (54 vs. 35); censures increased by 6.7% (32 vs. 30); reprimands decreased by 22.9% (27 vs. 35); and admonitions increased by 127.3% (25 vs. 11).

C. EMERGENT ACTION

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

For 2018, a total of 33 attorneys were the subject of emergent sanctions (33 temporary suspensions). This represents a decrease of 8.3% from the total in 2017, when 36 emergent actions were taken (36 temporary suspensions). Prior years' results were: 2016 (39 temporary suspensions); 2015 (33 temporary suspensions); and 2014 (24 temporary suspensions). During that five-year period, an average of 33 lawyers were subject to emergent action. The names of attorneys emergently disciplined are listed on page 15 [Figure 5].

In 2018, the leading reasons for emergent discipline were: non-payment of fee arbitration committee awards at 30% (10 cases); the attorney’s conviction of a “serious crime” as defined in R.1:20-13, also at 30% (10 cases); knowing misappropriation of clients’ trust funds at 18% (6 cases); non-cooperation with disciplinary authorities at 12% (4 cases); and failure to pay disciplinary costs at 9% (3 cases).

D. TOTAL DISCIPLINE

In total, 207 attorneys were sanctioned by the New Jersey Supreme Court in 2018, whereas 192 attorneys were sanctioned in 2017 (representing an increase of 7.8%). Sanction totals for previous years were as follows: 169 in 2016; 149 in 2015; and 174 in 2014. The average number of sanctions over the past five years is 178. The number of attorneys sanctioned in 2018 is 16.3% higher than this five-year average.

Five-Year Sanction Trend

Year	Attorneys Disciplined
2018	207
2017	192
2016	169
2015	149
2014	174

Figure 4

OFFICE OF ATTORNEY ETHICS
YEARLY DISCIPLINE REPORT
(1/1/2018 to 12/31/2018)

DISBARMENT (17)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
BASHIR, MUHAMMAD	1987	UNION	10/10/2018	10/10/2018
CONSTANTOPE, ALEX	1994	NEW YORK	03/02/2018	03/02/2018
D'ARIENZO, MARC	1993	MONMOUTH	03/14/2018	03/14/2018
GLEASON, MARTIN ALBERT	1992	SOMERSET	10/11/2018	10/11/2018
GRZENDA, PAUL WALTER	1985	MIDDLESEX	01/17/2018	01/17/2018
HARRIS, JACQUELINE ROCHELLE	1990	ESSEX	04/26/2018	04/26/2018
JACOBS, FREDDY	1988	NEW YORK	04/12/2018	04/12/2018
KLAMO, JOHN ANDREW	1982	CAMDEN	11/28/2018	11/28/2018
LEE, PAMELA TERRAINE	1997	NEW YORK	11/28/2018	11/28/2018
LEINER, ROBERT H	1994	BURLINGTON	02/08/2018	02/08/2018
NAZMIYAL, BENJAMIN	2010	BERGEN	10/01/2018	10/01/2018
NICHOLSON, CHRISTIE-LYNN	2000	GLOUCESTER	10/11/2018	10/11/2018
RESNICK, MICHAEL L	1988	MORRIS	03/02/2018	03/02/2018
SCOTT, EVERETTE L JR	2007	BURLINGTON	04/23/2018	04/23/2018
TABOR, JASON M	2002	MASSACHUSETTS	09/18/2018	09/18/2018
TOBOLSKY, FRANK N	1987	CAMDEN	06/15/2018	06/15/2018
WOOTEN, ANTOINETTE M	1991	NEW YORK	10/18/2018	10/18/2018

DISBARMENT BY CONSENT (18)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
BERNHAMMER, ROGER C	1996	PASSAIC	06/29/2018	06/29/2018
COLASANTI, ANTHONY T	1967	PASSAIC	08/22/2018	08/22/2018
DYKSTRA, PAUL A	1974	BERGEN	04/30/2018	04/30/2018
FRIEDMAN, BARRY DEAN	1991	BERGEN	05/03/2018	05/03/2018
FRIEDMANN, AARON S	1983	CAMDEN	10/02/2018	10/02/2018
GAYLINN, DIANE KANTOFF	1983	BERGEN	05/23/2018	05/23/2018
KWASNIK, MICHAEL WILLIAM	1994	CAMDEN	12/28/2018	12/28/2018
LASCHUK, ANDREW	1980	MONMOUTH	02/02/2018	02/02/2018
NOVY, ROBERT C	1976	OCEAN	09/04/2018	09/04/2018
SCHWARTZ, MADELINE E	1988	PENNSYLVANIA	11/30/2018	11/30/2018
SMITH, THEODORE H	1986	ATLANTIC	11/28/2018	11/28/2018
STEINMETZ, ALAN M	1987	NEW YORK	08/10/2018	08/10/2018
STERN, PETER S	1990	ESSEX	12/17/2018	12/17/2018
STRAIT, KENNETH C JR	1990	ESSEX	04/02/2018	04/02/2018

SWENSON, CRAIG C	1988	BERGEN	04/30/2018	04/30/2018
VAN ZWAREN, ANTHONY J	1996	PASSAIC	08/02/2018	08/02/2018
WAGENBLAST, DENNIS F	1977	OCEAN	01/12/2018	01/12/2018
WEISSMANN, MARK	1986	BERGEN	01/29/2018	01/29/2018

SUSPENSION TERM (54)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ADELHOCK, MICHAEL B - 36 mo.	1989	PASSAIC	03/27/2018	03/27/2018
ALI, ALI A - 3 mo.	2009	MERCER	12/05/2018	01/04/2019
ANISE, MAGDY F - 6 mo.	1987	HUDSON	10/18/2018	11/15/2018
AUTRY, WAYNE ANTONIO - 3 mo.	2001	ESSEX	10/01/2018	03/01/2017
BASNER, CHRISTOPHER J - 24 mo.	2008	CAMDEN	03/02/2018	03/02/2018
BERAN, BARRY J - 3 mo.	1981	CAMDEN	01/31/2018	03/01/2018
BERNOT, ROBERT J - 24 mo.	1982	HUNTERDON	10/04/2018	11/02/2018
BHATIA, NEIL S - 6 mo.	2003	CONNECTICUT	10/31/2018	11/29/2018
BLOCK, ADAM KENNETH - 12 mo.	1993	PASSAIC	02/09/2018	02/09/2018
BOHMUELLER, BARRY O - 24 mo.	1996	PENNSYLVANIA	04/12/2018	05/07/2018
BOYMAN, CHRISTOPHER D - 36 mo.	1987	UNION	12/06/2018	01/04/2019
BRADY, JAMES D - 3 mo.	1982	CAMDEN	10/01/2018	10/26/2018
BYRNE, JAMES PETER - 3 mo.	1991	HUDSON	10/02/2018	10/02/2018
CHATBURN, STEPHEN P - 3 mo.	1974	BURLINGTON	03/26/2018	03/26/2018
COLBY, MAXWELL X - 12 mo.	1975	MONMOUTH	03/14/2018	03/14/2018
DEL TUFO, DOUGLAS JOSEPH - 12 mo.	1997	MONMOUTH	04/25/2018	04/25/2018
DOMENICK, DANIEL JAMES - 12 mo.	2012	PENNSYLVANIA	03/27/2018	03/27/2018
EHRlich, RICHARD EUGENE - 3 mo.	1986	FLORIDA	10/04/2018	11/02/2018
ELLMAN, STEVEN LEON - 3 mo.	1990	CALIFORNIA	04/11/2018	11/13/2013
FOGLE, KEVIN C - 3 mo.	2014	PENNSYLVANIA	11/02/2018	11/30/2018
FRANK, BARRY N - 12 mo.	1977	BERGEN	03/22/2018	03/22/2018
FREEMAN, JARRED S - 3 mo.	2009	MIDDLESEX	09/06/2018	10/08/2018
GAYL, JOSHUA LAWRENCE - 36 mo.	2006	PENNSYLVANIA	11/02/2018	04/07/2017
GREENMAN, SAL - 12 mo.	1993	BERGEN	05/30/2018	05/30/2018
GROW, JEFFREY R - 3 mo.	1975	MORRIS	03/13/2018	03/13/2018
HAND, STEPHANIE A. - 12 mo.	2000	ESSEX	10/31/2018	10/31/2018
HYDERALLY, TY - 3 mo.	1994	ESSEX	06/22/2018	07/20/2018
ISA, ULYSSES - 3 mo.	2006	HUDSON	12/07/2018	12/07/2018

JADEJA, RAJSHAKTISINH D - 24 mo.	2006	NEW YORK	11/15/2018	06/07/2017
JOHNS, MARK - 3 mo.	2001	PENNSYLVANIA	04/24/2018	05/21/2018
KLAMO, JOHN ANDREW - 3 mo.	1982	CAMDEN	01/10/2018	02/09/2018
KLAMO, JOHN ANDREW - 24 mo.	1982	CAMDEN	05/30/2018	05/30/2018
LANGIONE, JAMES R - 6 mo.	1987	NEW YORK	07/19/2018	08/13/2018
LANKENAU, STEPHEN HAROLD - 24 mo.	2004	DELAWARE	06/22/2018	02/22/2016
LARSEN, TYLER J - 6 mo.	2001	UTAH	11/01/2018	11/30/2018
MC KENZIE, EDWARD P - 12 mo.	1983	U.S.V.I	12/06/2018	01/04/2019
NASH, RACHEL H - 24 mo.	2000	NEW YORK	03/27/2018	04/23/2018
NIHAMIN, FELIX - 12 mo.	1995	BERGEN	09/11/2018	10/08/2018
PAGLIARA, NICHOLAS ANTHONY - 3 mo.	2014	HUDSON	03/22/2018	04/23/2018
PERLMAN, JEFFREY L - 12 mo.	1984	PENNSYLVANIA	07/09/2018	08/03/2018
PERSIANO, MARIO J III- 3 mo.	2005	BURLINGTON	04/24/2018	05/22/2018
PERSKIE, NICOLE LEIGH - 24 mo.	2013	ATLANTIC	10/02/2018	10/02/2018
PINNOCK, JOAN OTHELIA - 3 mo.	1997	ESSEX	12/05/2018	01/04/2019
POLEY, TATIANA FILIMONOV - 12 mo.	1998	BERGEN	03/12/2018	03/12/2018
RICH, STUART I - 24 mo.	1991	NEW YORK	07/06/2018	08/06/2018
ROSEN, GENE S - 36 mo.	1968	FLORIDA	01/10/2018	01/10/2018
ROTHMAN, ROBERT E - 36 mo.	1977	BERGEN	09/06/2018	05/10/2012
SERI, GNOLEBA REMY - 18 mo.	2001	BERGEN	07/19/2018	08/15/2018
SMITH, KEITH T - 3 mo.	1989	ATLANTIC	09/21/2018	10/19/2018
SMITH, KEITH T - 6 mo.	1989	ATLANTIC	09/21/2018	01/21/2019
SORIANO, WILLIAM J - 24 mo.	1975	ESSEX	04/09/2018	05/08/2018
SPEZIALE, PAUL - 12 mo.	1984	BERGEN	05/02/2018	05/02/2018
TYLER, KIMBERLY S - 6 mo.	1990	ESSEX	09/07/2018	10/08/2018
WALKER, DAVID A - 12 mo.	1983	UNION	07/18/2018	07/07/2017

CENSURE (32)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ALBANO, JOSEPH	1987	PASSAIC	07/20/2018	07/20/2018
BAILEY, ERIC B	2006	ESSEX	07/09/2018	07/09/2018
BASHIR, MUHAMMAD	1987	MARYLAND	03/26/2018	03/26/2018
BHALLA, RAVINDER SINGH	1999	WARREN	06/13/2018	06/13/2018
BOLTON, MICHAEL DENNIS	1989	SOMERSET	02/09/2018	02/09/2018
BRODERICK, ROBERT GEOFFREY	2010	CALIFORNIA	11/02/2018	11/02/2018
COOK, PETER A	1994	ESSEX	05/21/2018	05/21/2018
CRESCI, PETER JONATHAN	1992	HUDSON	12/07/2018	12/07/2018

DE SANTIAGO-KEENE, GARETH DAVID	1980	BERGEN	01/12/2018	01/12/2018
DI CIURCIO, WILLIAM THOMAS II	1987	CAMDEN	07/31/2018	07/31/2018
DUFFY, NEIL GEORGE III	1983	UNION	08/01/2018	08/01/2018
DWYER, ANDREW WILLIAM	1990	ESSEX	11/19/2018	11/19/2018
GIORGI, JOHN NICHOLAS	1988	UNION	11/27/2018	11/27/2018
GLINBIZZI, RAPHAEL J	1983	ESSEX	05/17/2018	05/17/2018
GORMAN, MATTHEW M	2012	BERGEN	10/17/2018	10/17/2018
HASBROUCK, SETH C	2009	GLOUCESTER	10/04/2018	10/04/2018
HEYBURN, EDWARD HARRINGTON	1997	MERCER	07/09/2018	07/09/2018
IBRAHIM, IHAB AWAD	2013	MIDDLESEX	12/06/2018	12/06/2018
MILARA, DIEGO P	1991	UNION	09/21/2018	09/21/2018
MYEROWITZ, HOWARD Z	1999	HUDSON	11/02/2018	11/02/2018
OSBORNE, MICHAEL	1999	MIDDLESEX	07/06/2018	07/06/2018
OSBORNE, MICHAEL	1999	MIDDLESEX	09/06/2018	09/06/2018
POLLACK, RONALD S	1989	PENNSYLVANIA	12/05/2018	12/05/2018
PRESS, RICHARD L	1978	ATLANTIC	06/21/2018	06/21/2018
RIZZO, JOSEPH A	1999	PENNSYLVANIA	05/31/2018	05/31/2018
SCAVONE, ERICA MARIE	2013	MERCER	04/05/2018	04/05/2018
SMITH, KEITH T	1989	ATLANTIC	01/11/2018	01/11/2018
STANZIOLA, CLAUDIO MARCELO	1998	OCEAN	05/31/2018	05/31/2018
STASIUK, GEORGE P	1990	PASSAIC	10/04/2018	10/04/2018
TERRY, LOGAN M	2003	BURLINGTON	11/01/2018	11/01/2018
WELGOS, CHRISTOPHER R	1998	SOMERSET	07/20/2018	07/20/2018
ZONIES, DANIEL B	1970	CAMDEN	10/17/2018	10/17/2018

PUBLIC REPRIMAND (27)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ABASOLO, GARY CLARIN	1994	HUDSON	10/04/2018	10/04/2018
ANDUJAR, CARLOS JR	1997	CUMBERLAND	07/19/2018	07/19/2018
BATT, HOWARD J	1980	CAMDEN	11/16/2018	11/16/2018
BLANEY, BRYAN	1987	ESSEX	05/17/2018	05/17/2018
BOYD, LAMOURIA	1996	ESSEX	11/01/2018	11/01/2018
BURGER, HOWARD J	1974	UNION	09/24/2018	09/24/2018
BURRO, C P	1979	ATLANTIC	11/01/2018	11/01/2018
CALCAGNO, ANDREW JOHN	1991	UNION	02/08/2018	02/08/2018
CARROLL, ANDREW MICHAEL	2004	ATLANTIC	02/09/2018	02/09/2018
CRAWFORD, KAREEM J	2000	BURLINGTON	04/09/2018	04/09/2018
DE BRANGO, LINDA M	1987	MIDDLESEX	07/31/2018	07/31/2018
DOWGIER, LESZEK	2011	UNION	05/17/2018	05/17/2018
DOWNS, THOMAS E IV	1975	MIDDLESEX	11/01/2018	11/01/2018
IBEZIM, SEBASTIAN ONYI JR	1997	ESSEX	03/28/2018	03/28/2018

IRVING, FARRAH A	2012	ESSEX	06/12/2018	06/12/2018
JOHNSON, EDWARD GLEN	1989	BERGEN	12/06/2018	12/06/2018
KELSEN, BENJAMIN G	2000	BERGEN	12/13/2018	12/13/2018
LEITE, ROBERT CAPTAIN	2012	PENNSYLVANIA	06/12/2018	06/12/2018
LUDWIG, THOMAS	1978	BERGEN	04/25/2018	04/25/2018
MEHTA, NIRAV	1997	BURLINGTON	04/03/2018	04/03/2018
RYCHEL, MICHAEL E	1992	HUDSON	02/09/2018	02/09/2018
SCHNEPPER, JEFF A	1976	CAMDEN	09/24/2018	09/24/2018
SHIEKMAN, ROBERT S	2008	ATLANTIC	09/21/2018	09/21/2018
SPECK, MICHAEL R	1987	MONMOUTH	11/08/2018	11/08/2018
THOMPSON, RONALD	1980	ESSEX	09/21/2018	09/21/2018
WACKOWSKI, WILLIAM E	2001	OCEAN	01/11/2018	01/11/2018
WIANECKI, ROBERT A JR	1994	MORRIS	04/05/2018	04/05/2018

ADMONITION (25)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ACCIAVATTI, DIANE MARIE	1984	PASSAIC	07/23/2018	07/23/2018
ANCONA, VINCENT J	1998	NEW YORK	05/22/2018	05/22/2018
BAFFUTO, BARTHOLOMEW	1990	OCEAN	10/24/2018	10/24/2018
D'ANGELO, DANA MARK	1991	MORRIS	07/20/2018	07/20/2018
DAVIS, DAVID PERRY	1998	MERCER	02/20/2018	02/20/2018
FRANCOIS, JEAN WATSON E	2009	ESSEX	04/24/2018	04/24/2018
GACHKO, JOSEPH	1983	UNION	01/23/2018	01/23/2018
GOLDBERG, WILLIAM M	1967	BERGEN	03/20/2018	03/20/2018
HAGGERTY, WILLIAM T	1976	SUSSEX	05/24/2018	05/24/2018
HOWES, WILLIAM TIMOTHY	1989	SOMERSET	06/29/2018	06/29/2018
HULL, DOUGLAS J	1974	OCEAN	02/21/2018	02/21/2018
LINDSAY, LAWRENCE W	1981	CAMDEN	02/21/2018	02/21/2018
MAGLIONE, DEAN R	2000	ESSEX	11/21/2018	11/21/2018
MUSA-OBREGON, S MICHAEL	2016 PHV	BERGEN	04/25/2018	04/25/2018
NEWMAN, ANDREW M	1985	MONMOUTH	07/23/2018	07/23/2018
POCCHIO, MICHAEL J	1993	MIDDLESEX	10/01/2018	10/01/2018
RACHMIEL, JOEL I	1973	UNION	04/24/2018	04/24/2018
RAWLE-WALTERS, KARLENE A	1990	BERGEN	07/20/2018	07/20/2018
REYES, ARCADIO J	1991	MARYLAND	06/13/2018	06/13/2018
RINALDO, RICHARD P	2003	ESSEX	10/01/2018	10/01/2018
ROSENBLOOM, ANDREW S	2002	PENNSYLVANIA	05/02/2018	05/02/2018
SCHLENDORF, DAVID THOMAS	1997	OCEAN	07/23/2018	07/23/2018
SPEVACK, RONALD W	1964	MIDDLESEX	04/25/2018	04/25/2018
TOTH, EMERY Z	1974	MIDDLESEX	05/22/2018	05/22/2018
WOLFF, STEVEN HARLAN	2006	PASSAIC	11/21/2018	11/21/2018

SUSPENSION SUSPENDED (1)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
CHECHELNITSKY, YANA	2005	MIDDLESEX	03/26/2018	03/26/2018

TOTAL FINAL DISCIPLINE.....174

TEMPORARY SUSPENSION (33)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ALCANTARA, JOSE DAVID	1988	ATLANTIC	02/08/2018	02/08/2018
ALLEN, JOHN CHARLES	1995	MIDDLESEX	10/18/2018	11/19/2018
ARVANITAKIS, KATERINA N	2006	NEW YORK	04/03/2018	04/03/2018
BLANEY, BRYAN	1987	ESSEX	09/20/2018	10/22/2018
CAMPOS, CHRISTOPHER	2003	HUDSON	05/03/2018	05/03/2018
CHOI, YOCHAN	2003	NEW YORK	05/02/2018	05/02/2018
DANON, TALIA GAYLE	2014	UNION	04/09/2018	05/09/2018
DENNERLEIN, ROBERT MICHAEL III	2015	PASSAIC	10/04/2018	10/04/2018
ELBERT, JOHN B	1978	GLOUCESTER	07/19/2018	08/20/2018
FREIDMAN, EVGENY ALENDER	1997	NEW YORK	07/12/2018	07/12/2018
FRIEDMAN, BARRY DEAN	1991	BERGEN	01/24/2018	01/24/2018
FUSTER, DAVID	2014	NEW YORK	08/23/2018	09/24/2018
GENOVESE, ROBERT JOHN	1999	UNION	03/16/2018	04/18/2018
GOLDSMITH, JEFF H	1984	BERGEN	07/18/2018	07/18/2018
GOODSON, CHRISTOPHER JOHN	1999	ESSEX	10/10/2018	10/10/2018
HIGGINS, CHRISTOPHER ROY	2012	MIDDLESEX	09/21/2018	09/21/2018
HOOPEES, ROBERT PATRICK	1989	PENNSYLVANIA	10/16/2018	10/16/2018
HYDE, CHRISTOPHER WEST	1987	PENNSYLVANIA	05/18/2018	06/18/2018
ISA, ULYSSES	2006	HUDSON	04/12/2018	05/09/2018
KAIGH, JAIME MERRICK	1983	CAMDEN	10/18/2018	11/19/2018
KLEIN, RICHARD C	1973	BURLINGTON	09/19/2018	10/18/2018
LEVEN, LAWRENCE A	1973	ESSEX	12/04/2018	12/04/2018
MASCIOCCHI, THOMAS G	1988	CAMDEN	03/29/2018	04/30/2018
MEEHAN, BRIAN P	1988	PENNSYLVANIA	04/24/2018	04/24/2018
PAPPAS, GEORGE N	1967	HUDSON	01/19/2018	02/20/2018
PETIGARA, VISHAL S	2007	PENNSYLVANIA	01/24/2018	01/24/2018
RAMOS, ALFREDO JR	2007	BERGEN	07/03/2018	07/03/2018
REGOJO, FERNANDO J	1981	HUDSON	04/23/2018	04/23/2018
ROSENBLOOM, ANDREW S	2002	PENNSYLVANIA	08/24/2018	09/24/2018
SEVERUD, STEPHEN N	1990	MORRIS	10/18/2018	11/16/2018
SHELTON, FINCOURT B	1987	PENNSYLVANIA	08/07/2018	09/07/2018
SHULICK, DAVID T	1994	PENNSYLVANIA	05/24/2018	05/24/2018
TSIMPEDES, ATHAN THEODORE	1999	PASSAIC	07/18/2018	07/18/2018

REINSTATEMENTS (12)

<u>ATTORNEY</u>	<u>SUSPENDED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ALLEN, JOHN CHARLES	11/19/2018	MIDDLESEX	11/30/2018	11/30/2018
BERAN, BARRY J	03/01/2018	CAMDEN	07/30/2018	07/30/2018
ELLMAN, STEVEN LEON	11/13/2013	CALIFORNIA	08/10/2018	08/10/2018
ENGELHARDT, SUZANNE L	04/25/2014	PASSAIC	08/17/2018	08/17/2018
HYDERALLY, TY	07/20/2018	ESSEX	10/22/2018	10/22/2018
LLOYD, JAMES DAVID	03/23/2016	BERGEN	07/30/2018	07/30/2018
MASCIOCCHI, THOMAS G	04/30/2018	CAMDEN	05/16/2018	05/16/2018
MAY, ISADORE H	05/10/2012	ATLANTIC	03/29/2018	03/29/2018
MC DEVITT, BRIAN	11/30/2017	PENNSYLVANIA	12/06/2018	12/06/2018
PERSIANO, MARIO J III	05/22/2018	BURLINGTON	08/30/2018	08/30/2018
STEIN, ROBERT W	05/09/2012	PENNSYLVANIA	05/25/2018	05/25/2018
TRAUTMANN, GREGG D	08/14/2017	MORRIS	02/16/2018	02/16/2018

IV. GROUNDS FOR FINAL DISCIPLINE

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

A. KNOWING MISAPPROPRIATION

Knowing misappropriation was the most common reason why attorneys were disciplined in 2018. More than sixteen percent (16.1%) (28 of the 174) of attorneys disciplined in 2018 knowingly misappropriated trust funds.

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

1. Trust Overdraft Notification

New Jersey has the most pro-active financial programs of any state in the country, including the Trust Overdraft Notification Program (Overdraft Program) and Random Audit Compliance Program (RAP). The Overdraft Program requires that all financial institutions report to the OAE whenever an attorney trust account check is presented against insufficient funds. During the 34 years of its existence, the Overdraft Program has been the sole source for the discipline of 238 New Jersey lawyers. Almost one half of the attorneys (45%) so disciplined were disbarred. In 2018, as in 2017, nineteen (19) attorneys were detected and disciplined through this program:

- Ali A. Ali from Mercer County was suspended for three months;
- Wayne A. Autry from Essex County was suspended for three months;
- Howard J. Batt from Camden County was reprimanded;
- Barry J. Beran from Camden County was suspended for three months;
- Stephen P. Chatburn from Burlington County was suspended for three months;
- Anthony T. Colasanti from Essex County was disbarred by consent;
- Barry D. Friedman from Bergen County was disbarred by consent;
- Joseph Gachko from Union County was admonished;
- John N. Giorgi from Union County was censured;
- Martin A. Gleason from Somerset County was disbarred;
- Jacqueline R. Harris from Essex County was disbarred;
- Edward H. Heyburn from Mercer County was censured;
- Benjamin G. Kelsen from Bergen County was reprimanded;
- Nicole L. Perskie from Atlantic County was suspended for two years;
- Ronald S. Pollack from Pennsylvania was censured;
- Michael L. Resnick from Morris County was disbarred;
- Paul Speziale from Bergen County was suspended for one year;
- Kenneth C. Strait, Jr. from Essex County was disbarred by consent; and
- Robert A. Wianecki, Jr. from Morris County was reprimanded.

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 37 years of its operation, a total of 207 attorneys, detected solely by this program, have been disciplined for serious ethical violations. Fifty-six percent (56%) of those attorneys were disbarred or suspended. In 2018, eleven (11) attorneys were disciplined for committing serious financial violations:

- Roger C. Bernhammer from Passaic County was disbarred by consent;
- Howard J. Burger from Union County was reprimanded;
- Diane K. Gaylinn from Bergen County was disbarred by consent;
- Paul W. Grzenda from Middlesex County was disbarred;
- Sebastian O. Ibezim, Jr. from Essex County was reprimanded;
- Nirav Mehta from Middlesex County was reprimanded;
- Keith T. Smith from Atlantic County was censured;
- Theodore H. Smith from Atlantic County was disbarred by consent;
- Peter S. Stern from Essex County was disbarred by consent;
- Dennis F. Wagenblast from Ocean County was disbarred by consent; and
- Mark Weissman from New York was disbarred by consent.

B. OTHER MONEY OFFENSES

In second place was the category of “Other Money Offenses” at 14.4% (25 of 174 cases). This category includes negligent or reckless misappropriation, serious trust account recordkeeping deficiencies, and failure to safeguard funds and escrow violations. In 2017, this category was in fourth place.

C. DISHONESTY, FRAUD, DECEIT AND MISREPRESENTATION

The category of Dishonesty, Fraud, Deceit and Misrepresentation was the third most common reason why attorneys were disciplined in 2018. Twenty-one (21) of the 174 attorneys disciplined in 2018 (or 12%) engaged in some type of dishonesty, fraud, deceit or misrepresentation.

D. CRIMINAL CONVICTIONS

Criminal Convictions (excluding misappropriation, fraud and drug convictions) was the fourth most common reason why attorneys were disciplined in 2018. Close to eleven percent (10.9%) (19 of 174 cases) of the attorneys disciplined in 2018 were convicted of crimes.

E. GROSS NEGLIGENCE/LACK OF DILIGENCE/INCOMPETENCE

Also tied for fourth place was the category of “Gross Neglect/Lack of Diligence/Incompetence” at 10.9% (19 of 174 cases). Attorneys who engage in grossly negligent conduct or who lack diligence or act incompetently are a clear danger to the public. This category was the fifth most frequent reason for lawyer sanctions in 2017.

Tied for fifth place for 2018, each at 4.6% (8 of 174 cases), are the categories of Conflict of Interest, Unauthorized Practice of Law, and Non-Cooperation with Ethics Authorities.

F. 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 sixth place in 2017.

G. UNAUTHORIZED PRACTICE OF LAW

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

H. NON-COOPERATION WITH ETHICS AUTHORITIES

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

I. CANDOR TOWARD TRIBUNAL

Candor Toward Tribunal came in sixth place at 4% (7 of 174 cases). RPC 3.3 prohibits lawyers from knowingly making false statements of material fact or law to a tribunal, from failing to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting an illegal, criminal or fraudulent act by the client and failing to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel.

J. INELIGIBLE PRACTICING LAW

The grouping "Ineligible Practicing Law" was in seventh place this year at 2.9% (5 of 174 cases). This violation arises when lawyers continue to engage in the practice of law after they are ordered by the Supreme Court to cease practicing because they have failed (a) to make payment of the mandatory annual attorney registration licensing fee; (b) to submit updated IOLTA information; or (c) to comply with CLE requirements. This grouping has been in the top ten grounds for discipline every year since 2011.

K. LACK OF COMMUNICATION

The category of "Lack of Communication" was also in seventh place this year at 2.9% (5 of 174 cases). Lawyers are ethically required by RPC 1.4 to "keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information." They also must "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." This group was in ninth place in 2017.

L. ADMINISTRATION OF JUSTICE

In eighth place, "Administration of Justice" accounted for 2.3% (4 of 174 cases) of all discipline cases. This category has appeared on the list in 2015, 2012, 2008, 2006 and 2005.

M. FEES

Coming in ninth place at 1.7% (3 of 174 cases) is the category of Fees. Lawyers are required under RPC 1.5 to charge no more than a reasonable fee. When a fee becomes grossly excessive or violates other related rules, such as the requirement to have a fee agreement in writing, discipline is imposed.

N. WITHDRAWING/TERMINATING REPRESENTATION

The category of "Withdrawing/Terminating Representation" also came in ninth place at 1.7% (3 of 174 cases). Upon withdrawing from or terminating a representation, an attorney is obligated to take certain measures to protect a client's interest. Those who do not are in violation of RPC 1.16(d).

Summaries of each of the 174 final discipline cases can be found in **Figure 6**.

2018 Disciplinary Summaries

Gary Clarin Abasolo - Reprimanded on October 4, 2018 (235 *N.J.* 326) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), and *RPC* 1.4(b) (failure to keep a client adequately informed and reply promptly to client's reasonable requests for information). Richard J. Villanova represented District VI and respondent was pro se.

Diane Marie Acciavatti – Admonished on July 23, 2018 (*Unreported*) for violating *RPC* 1.1(A) (gross neglect) and *RPC* 1.3 (lack of diligence) after she failed to vacate a default judgment entered against her client, who paid her a flat fee to handle the matter. Despite assuring the client repeatedly that problems in her personal and professional life would not interfere with his case, the respondent failed to take any action on his behalf and did not return any portion of the unused retainer. She instead filed bankruptcy and named the client as a creditor. Francis J. Leddy, Jr. represented District XI and respondent was pro se.

Michael B. Adelhock - Suspended for three years on March 27, 2018 (232 *N.J.* 359) for violating *RPC* 1.4(b) (failure to communicate with client); *RPC* 1.15(a) (failure to safeguard funds); *RPC* 1.15(b) (failure to promptly disburse funds); *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping); *RPC* 5.5(a)(1) (practicing while suspended); *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). Jason D. Saunders represented the OAE and Patrick J. McCormick represented respondent on a disciplinary stipulation accepted by the DRB. The respondent was previously disciplined: Temporarily suspended since July 31, 2013.

Joseph Albano – Censured by consent on July 20, 2018 (234 *N.J.* 186) for knowingly violating *RPC* 5.5(a) (unauthorized practice of law). Joseph A. Glyn represented the OAE and respondent appeared pro se. The respondent was previously disciplined: Censured in 2016.

Ali A. Ali – Suspended for three months on December 5, 2018 (236 *N.J.* 93), effective January 4, 2019, for commingling personal funds in an attorney trust account, in violation of *RPC* 1.15(a), failing to comply with his recordkeeping obligations, in violation of *RPC* 1.15(d), improper use of a professional designation that violates *RPC* 7.1(a) (misleading advertising), in violation of *RPC*

7.5(a), improper use of a trade name, Law Champs LLC, in violation of *RPC* 7.5(e), and failing to cooperate with disciplinary authorities, in violation of *RPC* 8.1(b) and Rule 1:20-3(g). HoeChin Kim appeared for the OAE before the DRB, and respondent, pro se, waived appearance. Respondent was previously disciplined: Reprimanded in 2017. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Vincent J. Ancona – Admonished on May 22, 2018 (*Unreported*) for representing clients from September 25, 2000 to April 22, 2005 while he was ineligible to do so due to his non-payment of the annual attorney assessment to the New Jersey Lawyers' Fund for Client Protection, in violation of *RPC* 5.5(a)(I). Jessica Ragno Sprague represented District XI before the DRB and respondent appeared pro se.

Carlos Andujar, Jr. - Reprimanded on March 28, 2018 (134 *N.J.* 182) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence) *RPC* 1.4(b) (failure to communicate with the client) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Lisa Marie Radell represented the District I Ethics Committee and Robert J. Pinizzotto represented respondent on a motion for discipline by consent granted by the DRB.

Magdy F. Anise - Suspended for six months on October 18, 2018, (235 *N.J.* 360) following his guilty plea in the United States District Court, District of New Jersey, to violating 31 U.S.C. § 5324(a)(1) (for purpose of evading reporting requirements, cause a bank to fail to file a required report), and conduct that violates *RPC* 8.4(b)(criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects). Eugene A. Racz represented the OAE and Dominic J. Aprile represented respondent. Respondent was previously disciplined: Reprimanded in 1992.

Wayne A. Autry - Suspended for three months on October 1, 2018, effective March 1, 2017, (235 *N.J.* 219) for failing to comply with the OAE's requests for information about a trust account overdraft, failing to appear for a demand audit, and failing to file his required Rule 1:20-20 affidavit following his temporary suspension from the practice of law, contrary to *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton and Reid Adler represented the OAE on two certifications of default, and respondent was pro se. Respondent has a prior disciplinary history: Reprimanded

in 2015. This matter was discovered as a result of the Trust Overdraft Notification Program.

Bartholomew Baffuto – Admonished on October 24, 2018 (*Unreported*) for gross neglect and lack of diligence, in violation of *RPC* 1.1(a) and *RPC* 1.3, respectively, in connection with his client’s appeal of a municipal court conviction. Additionally, respondent failed to reply to his client’s reasonable requests for information or provide her with crucial information about events in the case, so that she could make informed decisions about the representation, in violation of *RPC* 1.4(b) and (c), respectively. I. Mark Cohen represented District IX and James N. Butler, Jr. represented the respondent.

Eric B. Bailey – Censured on a certified record on July 9, 2018 (234 *N.J.* 79) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 3.2 (failure to expedite litigation), *RPC* 8.1 (b) (failure to cooperate with disciplinary authorities) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Stephen C. Leonard represented District XII and the respondent failed to appear. The respondent was previously disciplined: Reprimanded on a certified record in 2016.

Muhammad Bashir - Censured on March 26, 2018 (232 *N.J.* 330) on a certified record for violating *RPC* 8.1(b) (failure to reply to a lawful demand for information from a disciplinary authority), *RPC* 8.4(d) (conduct prejudicial to the administration of justice), and Rule 1:20-20 (failure to file the required affidavit of compliance pertaining to the rules governing future activities of attorneys who have been disciplined). Hillary Horton handled the matter for the OAE and respondent was pro se. The respondent was previously disciplined: Reprimanded in 1996, 2016 and 2017; admonished in 2005; and temporarily suspended in 2015.

Muhammad Bashir – Disbarred on October 10, 2018 (235 *N.J.* 330), for violating *RPC* 1.1(a); *RPC* 1.3; *RPC* 1.4(b); *RPC* 1.4(c); *RPC* 1.5(b); *RPC* 1.15(d); *RPC* 1.16(a)(1); *RPC* 1.16(d); *RPC* 5.5(a); *RPC* 8.4(b); *RPC* 8.4(c). Joseph A. Glyn represented the OAE before the Supreme Court and respondent failed to appear. The respondent was previously disciplined: Reprimanded in 1996, 2016 and 2017; admonished in 2005; temporarily suspended in 2015; and censured in 2018.

Christopher J. Basner - Suspended for two years on March 2, 2018 (232 *N.J.* 164) based on a five-year suspension in Pennsylvania. Respondent was found to have violated *RPC* 1.1(a) (gross neglect); *RPC* 1.1(b) (pattern of neglect); *RPC* 1.3 (lack of diligence); *RPC* 1.4(b) (failure to communicate with a client); *RPC* 1.4(c)

(failure to explain a matter to a client to the extent reasonably necessary to permit the client to make informed decisions regarding the representation); *RPC* 1.5(b) (failure to set forth in writing the basis or rate of fee); *RPC* 1.15(d) (failure to comply with recordkeeping rules); *RPC* 1.16(a)(1) (failure to withdraw when the representation will result in a violation of the *RPC*s); *RPC* 1.16(d) on termination of representation, failure to take steps reasonably practicable to protect a client’s interests); *RPC* 3.1 (asserting an issue with no basis in law or fact); *RPC* 3.2 (failure to expedite litigation); *RPC* 3.3(a)(1) (false statement of material fact or law to a tribunal); *RPC* 8.1(b) (failure to cooperate with disciplinary authorities); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice.) Reid Adler represented the OAE and respondent was pro se on a motion for reciprocal discipline granted by the DRB.

Howard J. Batt - Reprimanded on November 16, 2018 (236 *N.J.* 7) for violating *RPC* 1.15(a) (negligent misappropriation of client funds), *RPC* 1.15(d) and Rule 1:21-6 (record keeping violations), *RPC* 5.3(a) and (b) (failure to make reasonable efforts to ensure that the conduct of nonlawyers is compatible with the lawyers professional obligations). Reid Adler represented the OAE and John Hogan represented respondent on a motion for discipline by consent granted by the DRB. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Barry J. Beran - Suspended for three months on January 31, 2018, effective March 1, 2018 (231 *N.J.* 565) for violating *RPC* 1.15(a) (negligent misappropriation of trust funds and commingling of funds), *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations). Timothy J. McNamara represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Reprimanded in 2004; admonished in 2009; and censured in 2016 and 2017. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Roger C. Bernhammer – Disbarred by consent on June 29, 2018 (234 *N.J.* 75). Respondent acknowledged that the OAE’s allegations that he knowingly misappropriated client trust account funds were true, and that if he went to a hearing, he could not successfully defend himself against those charges. Respondent was previously disciplined: Temporarily suspended in 2014. Christina Blunda represented the OAE and respondent was represented by Joseph R. Donahue. This misappropriation was initially discovered by the Random Audit Compliance Program.

Robert J. Bernot - Suspended for two years on October 4, 2018, effective November 2, 2018 (235 *N.J.* 325) for

practicing law while temporarily suspended for failure to pay costs associated with a previous disciplinary matter, and while ineligible for failure to comply with the Court's mandated IOLTA program, and for failure to cooperate with disciplinary authorities, in violation of *RPC* 5.5(a)(1) and Rule 1:20-20(b)(1) (unauthorized practice of law), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Al Garcia represented the OAE on a certification of default and respondent was pro se. Respondent has a prior disciplinary history: Reprimanded in 2012.

Ravinder Singh Bhalla – Censured on June 13, 2018 (233 *N.J.* 464) for violating *RPC* 1.15(a) (failure to safeguard funds); *RPC* 1.15(b) (failure to promptly deliver to a third person funds that the person is entitled to receive); and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Steven J. Zweig handled the matter for the OAE and respondent was pro se. The respondent was previously disciplined: Admonished in 2010.

Neil S. Bhatia - Suspended for six months on October 31, 2018, effective November 29, 2018, (235 *N.J.* 366) following his guilty plea in California Superior Court to one count of misdemeanor battery, contrary to Calif. Penal Code § 242, and *RPC* 8.4(d) (criminal conduct that reflects adversely on a lawyer's honesty, trustworthiness or fitness). Hillary Horton represented the OAE on a motion for final discipline and respondent was pro se.

Bryan Blaney - Reprimanded on a certified record on May 17, 2018 (235 *N.J.* 164) for violating *RPC* 5.5(a) (practicing while ineligible). Rhonda DeStefano handled the matter for the District VC Ethics Committee.

Adam K. Block - Suspended for one year on a certified record on February 9, 2018, (232 *N.J.* 110) for violations of *RPC* 3.3(a)(1) and (5) (lack of candor toward a tribunal); *RPC* 5.5 (a)(1) (practicing while administratively ineligible and practicing while suspended); *RPC* 8.1 (b) (failure to respond to a lawful demand for information from a disciplinary authority); *RPC* 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and *RPC* 8.4 (d) (conduct prejudicial to the administration of justice); and Rule 1:20-20 (failure to file affidavit of compliance). Al Garcia represented the OAE and respondent was pro se. The respondent was previously disciplined: Reprimanded in 2013; censured twice in 2014; and suspended for six months in 2015. All of these matters proceeded on certified records after the respondent failed to answer the complaints.

Barry O. Bohmueller - Suspended for two years on April 12, 2018, effective May 7, 2018, (232 *N.J.* 502) based upon discipline imposed by the Supreme Court of the

Commonwealth of Pennsylvania for unethical conduct that in New Jersey constitutes violations of *RPC* 1.2(a) (failure to abide by the client's decisions concerning the scope and objectives of the representation); *RPC* 1.4(c) (failure to explain the matter to the extent necessary for the client to make informed decisions about the representation); *RPC* 1.5(e) (dividing a fee between lawyers not in the same firm); *RPC* 1.7(a)(2) (conflict of interest); *RPC* 5.1(c)(1) (ordering or ratifying another lawyers unethical conduct); *RPC* 5.5(a)(2) (assisting a non-lawyer in the unauthorized practice of law); *RPC* 7.1(a)(1) (material misrepresentation about the lawyer's services); *RPC* 7.3(d) (compensating or giving something of value to a person to recommend the lawyer's employment by a client or as a reward for having made a recommendation resulting in the lawyer's employment by client); *RPC* 8.4(a) (violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another); and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Reid Adler represented the OAE and Carl Poplar represented the respondent on a motion for reciprocal discipline granted by the DRB.

Michael D. Bolton - Censured on a certified record on February 9, 2018 (232 *N.J.* 109) for failing to comply with a New Jersey Supreme Court Order that required him to file an affidavit of compliance for suspended or disbarred lawyers in accordance with Rule 1:20-20, and in violation of *RPC* 8.1(b) (failure to reply to a lawful demand for information from a disciplinary authority) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE and respondent was pro se. The respondent was previously disciplined: Censured in 2016.

Lamouria Boyd - Reprimanded on November 1, 2018, (235 *N.J.* 369) for violating *RPC* 1.3 (lack of diligence), *RPC* 1.5(b) (failure to communicate in write the rate or basis of the fee by failing to comply with Rule 5:3-5(a)), and *RPC* 1.16(c) (failure to comply with applicable law when terminating a representation by failing to comply with Rule 5:3-5(d)). Carla M. Silva represented District VA and respondent was pro-se.

Christopher D. Boyman - Suspended for three years on December 6, 2018, effective January 4, 2019, (236 *N.J.* 98) for violating *RPC* 5.5(a) and Rule 1:20-20(b)(1) (practicing law while suspended), *RPC* 8.1(b) (failing to cooperate in an ethics investigation), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Timothy J. McNamara represented the OAE and Respondent failed to appear. The respondent was previously disciplined: Censured in 2010 and 2014 and temporarily suspended in 2012.

James D. Brady – Suspended for three months, effective October 26, 2018, on a certified record (235 *N.J.* 221) for violating *RPC* 1.4(b) (failure to communicate with client), *RPC* 1.5(c) (on conclusion of contingent fee matter, failure to provide the client with a written statement of the outcome of the matter and, if there was a recovery, showing the remittance to the client and the method of its determination), *RPC* 1.15(a) (failure to hold client funds separate from the lawyer’s funds), *RPC* 7.3(d) (giving something of value to a person for recommending the lawyer’s service), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). HoeChin Kim appeared before the Supreme Court for the OAE and respondent failed to appear. Respondent was previously disciplined: Admonished in 2003 and censured in 2009.

Robert G. Broderick - Censured, effective November 2, 2018, (235 *N.J.* 419) based on discipline imposed in Connecticut for unethical conduct that in New Jersey constitutes violations of *RPC* 1.17(c)(2) (improper sale of a law office) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Al Garcia represented the OAE and respondent was pro se on a motion for reciprocal discipline granted by the DRB.

Howard Burger - Reprimanded on September 24, 2018, (235 *N.J.* 216) for violating *RPC* 1.15(a) (negligent misappropriation of client trust funds), *RPC* 1.5(d) (failure to comply with recordkeeping requirements), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Reid Adler represented the OAE before the Supreme Court and Petar Kuridza represented respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

C. P. Burro - Reprimanded on November 1, 2018 (235 *N.J.* 413), for violating *RPC* 1.1(a) (gross neglect); *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep the client reasonably informed about the status of the matter and to promptly comply with reasonable requests for information); *RPC* 1.16(d) (failure to return the client file upon termination of the representation); and *RPC* 8.1(b) (failure to cooperate with ethics authorities). Joseph A. Glyn represented the OAE and the respondent was pro se.

James Peter Byrne - Suspended for three months on a certified record on October 2, 2108, (235 *N.J.* 224) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.16(d) (failure to protect the client’s interests on termination of the representation), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Susan C. Geiser appeared before the DRB for the District VI Ethics Committee. Reid Adler appeared before the Supreme Court for the OAE on an order to show cause and respondent failed to appear. The

respondent was previously disciplined: Reprimanded in 2006; temporarily suspended in 2016, which suspension has not been lifted.

Andrew John Calcagno – Reprimanded on a certified record on February 8, 2018 (232 *N.J.* 108) for failing to communicate with the client in one matter, in violation of *RPC* 1.4(b), failing to withdraw from representation upon discharge by the client in one matter, in violation of *RPC* 1.16(a)(3), and failing to cooperate with disciplinary authorities in three matters, in violation of *RPC* 8.1(b). Thomas G. Russomano appeared before the DRB for District XII and respondent failed to appear.

Andrew Michael Carroll – Reprimanded on February 9, 2018 (232 *N.J.* 111) for engaging in a sexual relationship with a client while appointed her public defender, which relationship required the appointment of new counsel, in violation of *RPC* 1.7(a)(2) (conflict of interest) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). HoeChin Kim represented the OAE and Marc D. Garfinkle represented respondent.

Stephen P. Chatburn - Suspended for three months on March 26, 2018 (232 *N.J.* 334) for violating *RPC* 1.5(b) (unreasonable fee); *RPC* 1.15(a) (commingling and negligent misappropriation of funds); *RPC* 1.15(b) (failure to promptly disburse funds to client or third party); *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping); *RPC* 5.3(a) and (b) (failure to supervise non-lawyer employee). Andrea Fonseca-Romen represented the OAE and respondent was pro se on a disciplinary stipulation accepted by the DRB. The respondent was previously disciplined: Reprimanded in 1992. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Yana Chechelnitsky - Suspended six-month suspension imposed on March 26, 2018 (232 *N.J.* 331) following her conviction in New Jersey Superior Court to creating a dangerous condition, contrary to N.J.S.A. 2C:33-2A(2); third-degree possession of a weapon for an unlawful purpose, contrary to N.J.S.A. 2C:39-4(d); fourth-degree aggravated assault on a law enforcement officer, contrary to N.J.S.A. 2C:12-1b(5)(a); and third-degree aggravated assault on a law enforcement officer, contrary to N.J.S.A. 2C:12-1b(5)(a), in violation of *RPC* 8.4(b) (criminal act that reflects adversely on honesty, trustworthiness or fitness). Hillary Horton handled the matter for the OAE and Lawrence H. Kleiner represented the respondent on a motion for final discipline.

Gwendolyn Faye Climmons - Permanently barred from the practice of law in New Jersey as a multijurisdictional practitioner on January 11, 2018, effective immediately, (231 *N.J.* 398) following her conviction in the United States District Court for the Southern District of Texas,

Houston Division, for conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349, and health care fraud and aiding and abetting health care fraud, in violation of 18 U.S.C. § 1347 and § 2. The charges arose from fraudulent billing submitted to Medicare by respondent's ambulance transportation service, Urgent Response Emergency Medical Services, LLC, between April 2009 and December 2011. Respondent was charged with fraudulently billing Medicare over two million dollars. Hillary Horton represented the OAE and respondent was pro se on a motion for final discipline.

Anthony T. Colasanti – Disbarred by consent on August 22, 2018 (171 *N.J.* 77) for knowingly misappropriating client funds, in violation of *RPC* 1.15(a). Joseph A. Glyn represented the OAE and Christopher T. Karounos represented the respondent. The respondent was previously disciplined: Reprimanded in 2002. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Maxwell X. Colby - Suspended for one year on March 14, 2018, (232 *N.J.* 273) for violating *RPC* 1.1 (a) (gross neglect); *RPC* 1.3 (lack of diligence); *RPC* 1.4 (b) (failure to keep client reasonably informed about the matter); *RPC* 3.4 (c) (knowingly disobeying rules of a tribunal); *RPC* 5.5 (a) (1) (practicing law while administratively ineligible); *RPC* 8.1 (b) (failure to cooperate with disciplinary authorities); and *RPC* 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Ellen Torregrossa-O'Connor represented District IX and respondent defaulted.

Alex Constantopes – Disbarred on March 2, 2018 (232 *N.J.* 167) on a motion for reciprocal discipline based upon respondent's default failure to file an answer to a verified and supplemental petition in the state of New York that in New Jersey violates *RPC* 1.15(a) and the principles of *In re Wilson*, 81 *N.J.* 451 (1979), *In re Hollendonner*, 102 *N.J.* 21 (1985) (failure to safeguard funds and the knowing misappropriation of client escrow funds) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Respondent also knowingly misappropriated his employer's law firm escrow funds in violation of *In re Greenberg*, 155 *N.J.* 138 (1998). Eugene Racz appeared before the Supreme Court for the OAE and respondent failed to appear.

Peter A. Cook – Censured on May 21, 2018 (233 *N.J.* 328) 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), *RPC* 1.15(b) (failure to promptly notify a third party of receipt of fund and failure to promptly disburse funds), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) in relation to an estate matter from 2010. Respondent also was ordered temporarily

suspended effective July 5, 2018, unless the OAE certified to the Court that respondent provided proof that he completed all work on the estate and that all monies had been distributed. HoeChin Kim appeared for the OAE before the Supreme Court and Gerard E. Hanlon represented respondent. Respondent has a disciplinary history: Admonition in 2013.

Kareem J. Crawford – Reprimanded by consent on April 9, 2018 (232 *N.J.* 458) for violating *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), *RPC* 1.5(b) (failure to communicate to the client in writing the basis or rate of the fee) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Jennifer Gottschalk represented the District IIB Ethics Committee and respondent was pro se on a motion for discipline by consent granted by the DRB.

Peter J. Cresci - Censured on December 7, 2018 (___*N.J.*___) for violating *RPC* 8.1(a) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice) following his failure to file the required Rule 1:20-20 affidavit. Hillary Horton represented the OAE on a certification of the record before the DRB and respondent was pro se.

Dana Mark D'Angelo – Admonished on July 20, 2018 (*Unreported*) for failing to provide his client with a writing setting forth the basis or rate of his fee in an estate matter, in violation of *RPC* 1.5(b). Respondent also failed to communicate with his client throughout the representation, in violation of *RPC* 1.4(b). Angela M. Morisco represented District XA and Peter N. Gilbreth represented the respondent.

Marc D'Arienzo - Disbarred on March 14, 2018, effective immediately, (232 *N.J.* 275) for violating *RPC* 1.1 (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 regarding the representation); *RPC* 1.5(d) (recordkeeping violations); *RPC* 1.16(d) (failure to protect a client's interests on termination of representation); *RPC* 3.2 (failure to expedite litigation); *RPC* 3.3(a)(1) (making a false statement of material fact or law to a tribunal); *RPC* 3.3(a)(5) (failure to disclose to the tribunal a material fact knowing that the omission is reasonably certain to mislead the tribunal); *RPC* 3.4 (knowingly disobeying an obligation under the rules of tribunal); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). The DRB noted that respondent's misconduct in the instant matters replicated his prior ethical misconduct which had resulted in his

extensive disciplinary history. The DRB found that respondent had a “well-established pattern of being untruthful to courts; lying to disciplinary authorities, including while under oath; failing to obey court orders; and failing to comply with recordkeeping obligations.” For example, the DRB noted that respondent was first admonished for recordkeeping failures in 2001. Fifteen (15) years later, the DRB found that he still refused to comply with even “the most basic recordkeeping obligations.” Respondent also evidenced a history of failing to appear in court and telling “brazen lies” in municipal court. Andrea Fonseca-Romen and Hillary Horton handled the matter for the OAE and respondent was pro se. Respondent was previously disciplined: Suspended for three months in 1999; admonished in 2001; admonished in 2004; censured in 2011; reprimanded in 2013; censured in 2014; and suspended for three months in 2016.

David Perry Davis – Admonished on February 20, 2018 (*Unreported*) for attempting to leverage the attorney disciplinary system to achieve a positive outcome for his client, in violation of *RPC* 8.4(d), ACPE Opinion 721, 204 N.J.L.J. 928 (June 27, 2011), and *In re George*, 174 N.J. 538 (2002). Reid A. Adler represented the OAE and the respondent was pro se.

Linda M. DeBrango – Reprimanded on July 31, 2018 (234 N.J. 308) for violation of *RPC* 1.1(a) (grossly neglecting a matter, resulting in client's house being foreclosed). Joseph Raymond Zapata, Jr. represented the District VIII Ethics Committee and Robert Ramsey represented the respondent on a motion for discipline by consent granted by the DRB.

Douglas J. Del Tufo – Suspended for one year on April 25, 2018 (233 N.J. 100) for violating *RPC* 8.1(a) (knowingly making a false statement of material fact in connection with a disciplinary matter), *RPC* 8.4 (b) (criminal conduct 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). Reid A. Adler represented the OAE and Robert Ramsey represented the respondent. The respondent was previously disciplined: Temporarily suspended in 2011; admonished in 2011; reprimanded in 2012; temporarily suspended in 2012; and suspended for three months in 2014.

Gareth David DeSantiago-Keene - Censured on January 12, 2018, (231 N.J. 448) for violating *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter), *RPC* 1.4(c) (failure to explain a matter of the extent reasonable necessary to permit the client to make informed decisions regarding the representation), *RPC*

1.7(a)(2) (concurrent conflict of interest), *RPC* 1.16(d) (improper termination of representation), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and 8.4(d) (conduct prejudicial to the administration of justice). David Torchin represented District IIA and Lawrence Herman Kleiner represented respondent.

William T. DiCiurcio II - Censured by consent on July 31, 2018 (234 N.J. 339) for violating *RPC* 5.5(a)(1) (practicing law while ineligible to do so) and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Respondent was ineligible to practice law from October 19, 2016 to February 13, 2017, during which time he entered his appearance in thirteen New Jersey municipal courts involving seventy-three summonses. Because of his failure to cooperate during the ethics investigation, the district ethics committee investigator was required to reach out to eighty-one municipal courts and ten county courts to ascertain whether Respondent had practiced in those jurisdictions during his period of ineligibility. Melissa J. Brown represented the District IV Ethics Committee and respondent was pro se. The respondent was previously disciplined: Reprimanded in 2012.

Daniel James Domenick – Suspended for one year on March 27, 2018, effective immediately, (232 N.J. 361) based upon discipline imposed by the Supreme Court of the Commonwealth of Pennsylvania for unethical conduct that in New Jersey constitutes violations of *RPC* 1.3 (lack of diligence); 1.4(b) (failure to communicate with the client); 1.5(a) (unreasonable fee); 1.15(b) (failure to promptly disburse funds); 1.16 (d) (upon termination of representation, failure to protect the client's interests); and 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Joseph A. Glyn represented the OAE before the DRB and respondent failed to appear. The respondent has been temporarily suspended since December 15, 2017 for his failure to comply with the determination of the District VIII Fee Arbitration Committee in a separate matter.

Leszek Dowgier - Reprimanded on May 17, 2018 (233 N.J. 291) on a motion for final discipline following his conviction of third-degree eluding a police officer, contrary to N.J.S.A. 2C:29-2(b), and driving under the influence, contrary to N.J.S.A. 39:4-50(a), conduct in violation of *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness). Eugene A. Racz and Hillary Horton handled the motion for final discipline on behalf of the OAE and Scott B. Piekarsky represented respondent.

Thomas E. Downs IV – Reprimanded on November 1, 2018 (235 N.J. 412) for violating *RPC* 1.3 (lack of diligence) and *RPC* 1.4(b) (failure to keep a client

reasonably informed). Respondent represented an estate but failed to finalize the estate for approximately two years (when new counsel completed the estate in eight months) and failed to provide effective communication with the executrix until she filed an ethics grievance. HoeChin Kim appeared before the DRB on behalf of the OAE, and Gerard E. Hanlon represented respondent. Respondent was previously disciplined: Admonished in 2013 and censured in 2016.

Neil George Duffy III – Censured on August 1, 2018 (234 *N.J.* 401) for violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failing to communicate with client), *RPC* 1.5 (b) (failing to set forth in writing the basis or rate of the fee), *RPC* 1.15 (d) (recordkeeping violations), *RPC* 1.16 (d) (failing to refund an unearned fee), and Rule 1:21-6 (a)(2) (failing to deposit legal fees in to an attorney business account). Martine Cohen represented District XII and Donald A. DiGioia represented the respondent on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Admonished in 2010; reprimanded in 2011 and 2013.

Andrew W. Dwyer – Censured on two certified records on November 19, 2018 (236 *N.J.* 9 and 236 *N.J.* 10) for i) failing to cooperate in an ethics investigation conducted by the District IV Ethics Committee, in violation of *RPC* 8.1(b), and ii) committing gross negligence, in violation of *RPC* 1.1(a), lacking diligence, in violation of *RPC* 1.3, failing to keep a client reasonably informed about the status of a matter and failing to promptly reply to reasonable requests for information, in violation of *RPC* 1.4(b), failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of *RPC* 1.4(c), and failing to cooperate with the investigation conducted by the District VA Ethics Committee, in violation of *RPC* 8.1(b). Allan Richardson represented District IV, William Tellado represented District VA and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2015.

Paul A. Dykstra - Disbarred by consent on April 30, 2018 (233 *N.J.* 151) for respondent's knowing misappropriation of client trust funds from the sale of a client's real estate. HoeChin Kim represented the OAE and Raymond F. Flood represented the respondent. Respondent was previously disciplined: Suspended for three months in 1999; admonished in 2000; and suspended for three months in 2004.

Richard Eugene Ehrlich – Suspended for three months on October 4, 2018, effective November 2, 2018 (235 *N.J.* 321) based on discipline imposed with consent in Florida for unethical conduct that, in New Jersey, constitutes violations of *RPC* 1.4(c) (failure to communicate with

client to the extent reasonably necessary to permit client to make informed decisions regarding the representation); *RPC* 5.3(a),(b) and (c)(1) (failure to make reasonable efforts to ensure that the conduct of non-lawyers of the firm is compatible with the obligations of the lawyer); *RPC* 5.5(a)(1) and (2) (practicing law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction, and assisting a non-lawyer in conduct that constitutes the unauthorized practice of law; *RPC* 7.3(b)(5) (unsolicited direct contact with a prospective client to obtain professional employment and pecuniary gain); and *RPC* 8.4(a) (engaging in conduct that violates the *RPC*s). Johanna Barba Jones appeared before the DRB on a motion for reciprocal discipline and respondent waived his appearance.

Steven Leon Ellman – Suspended for three months on April 11, 2018, retroactive to November 13, 2013, (234 *N.J.* 608) for numerous ethics violations stemming from his California law practice, including *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep client reasonably informed about the status of a matter and to comply promptly with reasonable requests for information), *RPC* 1.15(a) (negligent misappropriation of client funds and commingling of funds), *RPC* 1.15(b) (failure to promptly notify a client or third person of receipt funds and failure to promptly distribute funds that a client or third person is entitled to receive), *RPC* 1.15(c) (failure to segregate disputed funds), *RPC* 1.15(d) (failure to comply with recordkeeping rules), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation. Upon reinstatement, respondent is to submit quarterly reconciliations of his attorney accounts to the Office of Attorney Ethics for a period of two years. HoeChin Kim appeared before the Supreme Court for the OAE, and respondent was represented by Kim D. Ringler.

Kevin C. Fogle – Suspended for three months on November 2, 2018, effective November 30, 2018 (235 *N.J.* 417) based on discipline imposed in Pennsylvania for unethical conduct that in New Jersey constitutes violations of *RPC* 1.4(b) (failure to communicate with client); *RPC* 1.15(a) (failure to safeguard funds); *RPC* 1.15(b) (failure to promptly notify client of receipt of funds and to promptly deliver the monies); *RPC* 1.15(d) (failure to comply with the recordkeeping requirements of Rule 1:21-6(c)); *RPC* 1.16(a)(1) (failure to withdraw from representation of a client when the representation will result in the violation of the *RPC*s); *RPC* 1.16(d) (failure to protect the client's interest on termination of representation); *RPC* 4.2 (communication with a person represented by counsel); *RPC* 8.1(b) (failure to cooperate with disciplinary authorities); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Joseph A. Glyn appeared before the DRB for the OAE and respondent failed to appear.

Jean-Watson E. Francois – Admonished on April 24, 2018 (*Unreported*) for failing to communicate, in writing, the basis or rate of his fee to a client in a traffic court matter, a violation of *RPC* 1.5(b). Additionally, after entering an appearance on the client's behalf, the respondent relocated his office and failed to inform his client or the court and did not arrange for his mail to be forwarded, in violation of *RPC* 1.3. He was consequently unaware that a trial had been scheduled and could not inform his client, causing a bench warrant to be issued when he failed to appear, in violation of *RPC* 1.4(b). Robert J. Logan represented District XII and respondent was pro se on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Admonished in 2016.

Barry N. Frank - Suspended for one year on March 22, 2018, (232 *N.J.* 325) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.5(b) (failure to memorialize the rate or basis of the fee), *RPC* 1.15(d) (recordkeeping violations), *RPC* 5.4(b) (forming a partnership with a non-lawyer involving the practice of law), *RPC* 5.5 (a) (2) (assisting a person who is not a member of the bar in the unauthorized practice of law), *RPC* 7.1 (a)(2) making a false or misleading communication about the lawyer or the lawyer's service), *RPC* 7.5 (a) and (c) (using misleading firm letterhead containing the name of a person not actively associated with the firm as an attorney), *RPC* 8.1 (b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4 (a) (knowingly assisting or inducing another to violate the *RPC*s). This matter was originally before the DRB based on respondent's default. The DRB granted respondent's motion to vacate the default but his answer was subsequently suppressed by the hearing panel chair following respondent's failure to participate in the hearing process. Andrea Fonseca-Romen represented the OAE and respondent was pro se. The respondent was previously disciplined: Temporarily suspended in 2014 and 2016 and censured in 2016.

Jarred S. Freeman – Suspended for three months on September 6, 2018, effective October 8, 2018 (236 *N.J.* 299) for violating *RPC* 1.2(a) (failure to abide by a client's decisions concerning the scope and objectives of the representation), *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of the matter), *RPC* 3.3(a)(1) (knowingly making a false statement of material fact or law to a tribunal), *RPC* 4.1(a)(1) (knowingly making a false statement of material fact or law to a third person); *RPC* 8.1(a) (knowingly making a false statement of material fact in connection with a disciplinary matter), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Allan Marain appeared before the DRB for District VIII and Justin T. Loughry appeared for the respondent.

Aaron S. Friedmann - Disbarred by consent on October 2, 2018 (235 *N.J.* 228) following his resignation and disbarment in Pennsylvania for the misappropriation of client funds in an estate matter. Jason D. Saunders represented the OAE and Robert S. Tintner represented the respondent. Respondent was previously disciplined: Suspended for six months in 2004.

Barry Dean Friedman - Disbarred by consent on May 3, 2018 (231 *N.J.* 492) after he admitted that he could not defend himself in connection with pending disciplinary charges involving the knowing misappropriation of clients' trust funds. The respondent had been temporarily suspended from practicing law in this state since January 24, 2018. Joseph A. Glyn represented the OAE and Pamela L. Brause, Esq., represented the Respondent. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Joseph Gachko – Admonished on January 23, 2018 (*Unreported*) for violating *RPC* 1.15(b), which requires an attorney to "promptly deliver to a client or third person any funds or other property that the client or third person is entitled to receive; *RPC* 8.1(b), which prohibits an attorney from knowingly failing to reply to a lawful demand for information from a disciplinary authority; and *RPC* 1.15(d), which obligates an attorney to comply with the recordkeeping requirements imposed by Rule 1:21-6. Joseph A. Glyn represented the OAE and Raymond Londa represented the respondent on a motion for discipline by consent granted by the DRB. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Joshua L. Gayl - Suspended for three years on November 2, 2018, effective April 7, 2017, (235 *N.J.* 415) following his conviction in the United States District Court for the District of New Jersey to one count of conspiracy to commit obstruction of justice, contrary to 18 U.S.C. § 371, and *RPC* 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Respondent communicated with fraud victims on behalf of corporate principals who were barred by the Court from communicating with any persons named as witnesses by the government. He also assisted corporate principals in providing refunds to potential witnesses in the government's criminal case in exchange for executed civil releases. Hillary Horton represented the OAE on a motion for final discipline and the respondent was pro se.

Diane Kantoff Gaylinn – Disbarred by consent on May 23, 2018 (233 *N.J.* 344) after respondent acknowledged that she had engaged in a pattern of borrowing funds that

were to remain inviolate in her attorney trust account without the consent of any party. Reid Adler represented the OAE and Andrew Cevasco represented the respondent. This case was discovered solely as a result of the Random Audit Compliance Program.

John N. Giorgi - Censured on November 27, 2018 (236 *N.J.* 10), for violating *RPC* 1.15(a) (commingling), and *RPC* 1.15(d) (recordkeeping violations). Timothy J. McNamara represented the OAE and Raymond S. Londa represented respondent on a motion for discipline by consent granted by the Disciplinary Review Board. The respondent was previously disciplined: Three-month suspension in 2004. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Martin A. Gleason – Disbarred on a certified record on October 11, 2018 (235 *N.J.* 333) for exhibiting gross neglect and lack of diligence, failing to communicate with a client, recordkeeping violations, lying to ethics authorities and knowingly misappropriating clients’ and escrowed funds by using them for purposes unrelated to the clients’ matter and without their knowledge or permission. Christina Blunda appeared before the Supreme Court for the OAE and respondent failed to appear. Respondent was previously disciplined: Reprimanded in 2011; admonished in 2015; and temporarily suspended in 2017. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Raphael J. Glinbizzi – Censured on May 17, 2018 (___*N.J.*___) for violating *RPC* 1.9(c) (using information relating to a former representation to the disadvantage of the former clients), *RPC* 8.4(b) (commission of a criminal act that reflects adversely upon the attorney’s honesty, trustworthiness, or fitness as a lawyer in other respects), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Respondent used the social security number of his former father-in-law from a prior representation to open two fraudulent credit cards in 2006. Respondent’s in-laws were contacted by one of the credit card companies for non-payment, but declined to report him to authorities despite such advice from the company, as long as respondent paid back the debt. Respondent did so in early 2009 with money from his own family. HoeChin Kim represented the OAE and Marc D. Garfinkle represented respondent before the Supreme Court.

William M. Goldberg – Admonished on March 20, 2018 (*Unreported*) for violating *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter) and *RPC* 1.15(b) (failure to promptly notify a client or third person upon receipt of funds in which the client or third person has an interest and to promptly deliver those funds) in connection with an estate matter. Timothy J.

McNamara represented the OAE and Andrew M. Epstein represented the respondent before the DRB.

Matthew M. Gorman - Censured on October 17, 2018 (235 *N.J.* 171) for failing to file his required Rule 1:20-20 affidavit, contrary to *RPC* 8.1(b) (failure to reply to a lawful demand for information from a disciplinary authority), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE on a certification of default, and the respondent was pro se.

Sal Greenman - Suspended for one year on May 30, 2018, (233 *N.J.* 351) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with the client), *RPC* 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Timothy J. McNamara represented the OAE and respondent was pro se. The respondent was previously disciplined: Temporarily suspended in 2015 and censured in 2016.

Jeffrey R. Grow - Suspended for three months on March 13, 2018 (232 *N.J.* 216) for violating *RPC* 8.1(b) (failure to cooperate with an ethics investigation); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and *RPC* 8.4 (d) (conduct prejudicial to the administration of justice). Al Garcia represented the OAE and respondent was pro se. The respondent was previously disciplined: Admonished in 2012 and censured in 2015.

Paul Walter Grzenda – Disbarred on January 17, 2018 (231 *N.J.* 450) 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). Timothy J. McNamara appeared before the Supreme Court for the OAE and respondent appeared pro se. This matter was initially discovered by the Random Audit Compliance Program.

William T. Haggerty – Admonished on May 24, 2018 (*Unreported*) for prosecutorial misconduct in failing to disclose a familial relationship with the chair of the company which had filed charges against the defendant, in violation of *RPC* 3.3(A)(5). The DRB rejected the respondent’s argument that he did not view his brother’s position as a material fact, noting the immediate declaration of a mistrial and the perception that the familial relationship could influence how he prosecuted the matter. The DRB also rejected the respondent’s argument that he did not intend to deceive the court, noting that *RPC* 3.3(A)(5) does not require intent but, rather, only knowledge that the omission is reasonably certain to

mislead the tribunal. Lawrence H. Shapiro represented District IX before the DRB and Marc Garfinkle represented the respondent.

Stephanie A. Hand - Suspended for one year on October 31, 2008, effective immediately (235 *N.J.* 367) following her conviction in the United States District Court to two misdemeanor counts of failure to file income tax returns, contrary to 26 U.S.C. § 7203. Hillary Horton represented the OAE on a motion for final discipline and respondent was pro se. Respondent was previously disciplined: Admonished in 2010 and 2015.

Jacqueline Rochelle Harris – Disbarred on April 26, 2018, (233 *N.J.* 131) for violating *RPC* 1.15(a), and the principles of *In re Wilson*, 81 *N.J.* 451 (1979) (knowing misappropriation of client funds), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Reid Adler represented the OAE and respondent defaulted. The respondent was previously disciplined: Admonished in 2001; censured in 2009; and temporarily suspended in 2013 and again in 2017. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Seth C. Hasbrouck – Censured on a certified record on October 4, 2018 (235 *N.J.* 328) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 5.5(a) (practicing while ineligible), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). John P. Johnson, Jr., Esq. represented District IV and respondent was pro se.

Edward Harrington Heyburn - Censured on July 9, 2018, (234 *N.J.* 80) for violating *RPC* 1.15(a) (negligent misappropriation of client trust funds), *RPC* 1.15(d) and *Rule* 1:21-6 (recordkeeping violations). This matter was submitted to the DRB by way of a Disciplinary Stipulation. Reid Adler represented the OAE and respondent was pro se. The respondent was previously disciplined: Censured in 2013 and 2015. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

William T. Howes – Admonished on June 29, 2018 (*Unreported*) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of the matter and to comply with reasonable requests for information) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) in connection with his representation of a client in a guardianship matter. Jennifer L. Toth represented District XIII and respondent

was pro se on a motion for discipline by consent granted by the DRB.

Douglas J. Hull – Admonished on February 21, 208 (*Unreported*) for his handling of an estate matter. The respondent violated *RPC* 1.3, which requires a lawyer to "act with reasonable diligence and promptness in representing a client." Glenn D. Kassman represented District IIIA before the DRB and Adam J. Adrignolo represented the respondent.

Ty Hyderally – Suspended for three months on June 22, 2018 (235 *N.J.* 364) effective July 20, 2018. Respondent was convicted of simple assault, contrary to N.J.S.A. 2C:12-1a(1), in violation of *RPC* 8.4(b). Pursuant to the Supreme Court's Order, respondent's law firm was permitted to continue to operate under the name "Hyderally & Associates, P.C." during the period of suspension, provided that the following conditions were met: (1) all firm clients receive notice of respondent's suspension from practice, (2) the firm website contains a notice of respondent's suspension from practice, and (3) respondent receives no financial benefit from the firm for the period of suspension. Joseph A. Glyn represented the OAE on a motion for final discipline granted by the DRB and Gerard Hanlon represented the respondent. The respondent was previously disciplined: Reprimanded in 1999.

Sebastian Onyi Ibezim, Jr. - Reprimanded on March 28, 2018, (232 *N.J.* 364) for violating *RPC* 1.15(d) and *Rule* 1:21-6 (recordkeeping violations) and *RPC* 7.5(e) (using misleading attorney letterhead). Al Garcia represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Admonished in 2014, 2015 and 2016. This case was discovered solely as a result of the Random Audit Compliance Program.

Ihab Awad Ibrahim – Censured on December 6, 2018, (236 *N.J.* 97) for failing to communicate in writing the rate or basis of the fee and improper communication about the subject of the representation with a person the lawyer knows to be represented by counsel. Richard M. Cohen appeared before the DRB for the District XII Ethics Committee and Robert F. Clark represented respondent. The respondent was previously disciplined: Reprimanded in 2017.

Farrah A. Irving - Reprimanded on June 12, 2018, (233 *N.J.* 462) for violating *RPC* 1.5(c) (failure to provide a contingent fee agreement, stating the method by which the fee is to be determined), *RPC* 3.3(a) (lack of candor to a tribunal), *RPC* 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4 (d) (conduct prejudicial to the administration of justice).

Steven P. Ross represented District IIA and respondent was pro se on a motion for discipline by consent granted by the DRB.

Ulysses Isa - Suspended for three months on December 7, 2018, (*N.J.*) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep client adequately informed and to promptly reply to the client's reasonable requests for information), *RPC* 1.5(b) (failure to communicate in writing the rate or basis of the fee), *RPC* 1.15(d) (recordkeeping violations), *RPC* 1.16(c) (failure to comply with applicable law when terminating a representation), *RPC* 5.5(a)(1) (unauthorized practice of law), *RPC* 8.1(a) (knowingly making a false statement of material fact in connection with a disciplinary matter), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Rachel Mongiello represented the District VI Ethics Committee and respondent was pro se.

Freddy Jacobs - Disbarred on April 12, 2018 (232 *N.J.* 499), following respondent's criminal conviction in the United States District Court for the Southern District of New York on one count of conspiracy to commit immigration fraud, contrary to 18 U.S.C. §1546(a) and 18 U.S.C. §371, conduct in violation of *RPC* 8.4(b) (commission of a criminal act that reflects adversely on attorney's honesty, trustworthiness or fitness). Respondent submitted falsified asylum applications in immigration matters. Hillary Horton handled the matter for the OAE and respondent was pro se on a motion for final discipline.

Rajshaktisinh D. Jadeja - Suspended for two years on November 15, 2018, effective June 7, 2017, (236 *N.J.* 6) following his conviction in the Supreme Court of New York, Nassau County, to second-degree manslaughter, second-degree assault, driving while under the influence of alcohol, and driving while impaired by alcohol and drugs, in violation of *RPC* 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness). Respondent was involved in a fatal motor vehicle accident on the Long Island Expressway while under the influence of alcohol and Xanax. Hillary Horton represented the OAE on a motion for final discipline and James M. McGovern, Jr. represented the respondent.

Mark Johns - Suspended for three months on April 24, 2018, effective May 21, 2018, (233 *N.J.* 79) based upon discipline imposed by the Supreme Court of the Commonwealth of Pennsylvania for unethical conduct that in New Jersey constitutes 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 protect a client's interests on termination of the representation), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or

misrepresentation). Reid Adler represented the OAE and respondent was pro se on a motion for reciprocal discipline granted by the DRB.

Edward Glen Johnson – Reprimanded on December 6, 2018 (236 *N.J.* 121) for violating *RPC* 1.15(a) (negligent misappropriation) and *RPC* 1.15(d) (recordkeeping violations). The Court further ordered respondent to submit monthly three-way reconciliations on a quarterly basis to the OAE for two years. HoeChin Kim appeared for the OAE before the DRB, and Scott B. Piekarsky represented respondent. Respondent was previously disciplined: Admonished in 2009.

Benjamin G. Kelsen – Reprimanded on December 13, 2018 (*N.J.*) for commingling of funds and recordkeeping violations. Christina Blunda represented the OAE and Marc D. Garfinkle represented the respondent on a motion for discipline by consent granted by the DRB. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

John A. Klamo - Suspended for three months, on January 10, 2018 effective February 9, 2018, (231 *N.J.* 395) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.2 (failure to abide by a client's decision about the scope and objectives of the representation), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 5.5(a) & Rule 1:21-1A(a)(3) (unauthorized practice of law), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Lewis Fichera represented District IV, and the respondent was represented by Steven K. Kudatzky. The respondent has been disciplined previously: Reprimanded in 1996; suspended for three months in 2013; and censured in 2016.

John A. Klamo - Suspended for two years on May 30, 2018 (233 *N.J.* 352) for violating *RPC* 1.15(a) (failure to safeguard client funds), *RPC* 8.1(a) (knowingly making a false statement of material fact in connection with a disciplinary matter), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) for mishandling the disbursement of insurance proceeds to his client and lying to his client and ethics authorities about the same. Andrea Fonseca-Romen represented the OAE and respondent was represented by Steven K. Kudatzky. The respondent has been disciplined previously: Reprimanded in 1996; suspended for three months in 2013; censured in 2016; and suspended for three months in 2018.

John A. Klamo – Disbarred on November 28, 2018 (236 *N.J.* 12) for his extensive disciplinary history and violations of *RPC* 8.1(a) (knowingly making a false statement of material fact in connection with a disciplinary

matter); *RPC* 8.4(a) (violating or attempting to violate the *RPC*'s, knowingly assisting or inducing another to do so, or doing so through acts of another); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Johanna Barba Jones appeared before the Supreme Court for the OAE and respondent appeared pro se. The respondent was previously disciplined: Reprimanded in 1996; suspended for three months in 2013 and again in 2018, censured in 2016 and suspended for two years in 2018.

Michael William Kwasnik – Disbarred by consent on December 28, 2018 (236 *N.J.* 216) after respondent acknowledged that the OAE's allegations that he knowingly misappropriated client funds were true and if he went to a hearing on this matter, he could not successfully defend himself against these charges. Jason D. Saunders represented the OAE and Richard F. Klineburger represented the respondent. The respondent was previously disciplined: Temporarily suspended in 2011.

James R. Langione - Suspended for six months on July 19, 2018, effective August 13, 2018 (234 *N.J.* 180) for violating *RPC* 1.5(a) (failure to safeguard client funds), *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations) and *RPC* 5.3 (a) and (b) (failure to supervise non-lawyer employees). Reid Adler represented the OAE and respondent was pro-se on a motion for reciprocal discipline granted by the Disciplinary Review Board.

Stephen Harold Lankenau - Suspended for two years on July 26, 2018 (234 *N.J.* 261), retroactive to February 22, 2016, following two motions for reciprocal discipline based upon two orders of the Delaware Supreme Court suspending respondent for eighteen months, effective February 22, 2016 (Lankenau I), and for a consecutive six-month term, effective March 9, 2017 (Lankenau II). Respondent violated *RPC* 1.15(a) (failure to safeguard funds); *RPC* 1.15(b) (failure to promptly notify clients or third persons of receipt of funds in which they have an interest and to promptly disburse those funds); *RPC* 3.3(a)(1) (false statement of material fact to a tribunal); *RPC* 3.4(c) (knowingly disobeying an obligation under the rules of tribunal); *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Respondent is not to be reinstated in New Jersey unless and until he is reinstated to practice in Delaware. Hillary Horton represented the OAE and respondent was pro se.

Tyler J. Larsen – Suspended for six months on November 1, 2018, effective November 30, 2018 (235 *N.J.* 411) for violating *RPC* 3.8(d) (prosecutor in a criminal defense shall timely disclose exculpatory evidence to the defense). As the prosecutor in an armed robbery trial, respondent informed the defendant's attorney that his eyewitnesses had identified that defendant, but did not disclose that he had tainted the eyewitnesses by improperly showing them a photograph of the defendant. Eugene A. Racz represented the OAE while respondent waived appearance for oral argument on a motion for reciprocal discipline granted by the DRB.

Andrew Laschuk - Disbarred by consent on February 2, 2018 (227 *N.J.* 59) for the knowing misappropriation of client funds. Jason D. Saunders represented the OAE and Respondent was represented by Steven M. Gabor.

Pamela Terraine Lee - Disbarred on November 28, 2018, effective immediately, (236 *N.J.* 88) for knowing misappropriation of client funds, in violation of *RPC* 1.15(a) and the principles of In re Wilson, 81 *N.J.* 451 (1979) and In re Hollendonner, 102 *N.J.* 21 (1985) (knowing misappropriation of client funds); *RPC* 1.16(d) and Rule 1:21-6 (recordkeeping, and on termination of representation, failure to protect a client's interests, including returning papers and refunding unearned fees); and *RPC* 8.1(b) (failure to cooperate with the New York ethics authorities). On approximately sixteen occasions between September 2012 and April 2015, respondent took client or escrow funds, comprising deposits and sale proceeds in real estate transactions, and converted them to her own personal use, without the prior authorization of the parties. Hillary Horton and Johanna Barba Jones represented the OAE on a motion for reciprocal discipline and respondent was pro se.

Robert H. Leiner – Disbarred on a certified record on February 8, 2018 (232 *N.J.* 35) for knowing misappropriation of escrow funds, in violation of *RPC* 1.15(a) and the principles of In re Hollendonner, 102 *N.J.* 21 (1985). Respondent also violated *RPC* 3.3(a)(1) (knowingly making a false statement of material fact to a tribunal), *RPC* 3.3(a)(5) (failure to disclose to the tribunal a material fact, knowing that the omission is reasonably certain to mislead the tribunal), *RPC* 5.5(a)(1) (practicing law while ineligible), *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the attorney's honesty, trustworthiness or fitness as a lawyer), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). HoeChin Kim appeared for the OAE before the Supreme Court, and respondent was pro se. Respondent was previously disciplined: Temporary suspension for failure to pay a fee arbitration award, effective June 24, 2005, until January 5, 2009; reprimanded in 2005.

Robert Captain Leite – Reprimanded on June 12, 2018 (233 *N.J.* 460) for violating *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information), *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* 1.16(c) (failure to comply with applicable law requiring notice to or permission of a tribunal when terminating representation), and *RPC* 1.16(d) (failure to take reasonably practicable steps to protect a client’s interest upon termination of representation) for his representation of his clients (husband and wife) in a lawsuit against the clients’ mortgage lenders for a mortgage modification and damages. Jennifer Branch Stewart represented District IV and Gary D. Nissenbaum represented respondent.

Lawrence W. Lindsay – Admonished on February 21, 2018 (*Unreported*) for violating *RPC* 1.7(a) (conflict of interest) and *RPC* 1.4(b) (keeping a client reasonably informed about the status of the matter and promptly replying to reasonable requests for information) in his representation of equal partners in a limited liability company who had a falling out and whose interests became adverse. Ronald W. Katkocin represented District IV and Teri S. Lodge represented the respondent on a motion for discipline by consent granted by the DRB.

Thomas Ludwig – Reprimanded on April 25, 2018 (233 *N.J.* 99) for violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep clients reasonably informed about the status of a matter), and *RPC* 8.1(b) (failure to reply to a lawful demand for information from a disciplinary authority) in relation to an estate matter from 2007. Respondent also was ordered to submit proof to the OAE within ninety days of the filing date of the Order, by way of a detailed certification, that the estate at issue has been concluded. William Strasser represented District IIA and respondent was pro se.

Dean Maglione – Admonished on November 21, 2018 (*Unreported*) for inserting language in the settlement agreement of a Superior Court matter requiring the grievant to withdraw his ethics grievance against respondent in return for mutual releases, in violation of *RPC* 8.4(d) and A.C.P.E. Opinion 721, 204 N.J.L.J. 928 (June 27, 2011). Geri Albin represented District VA and Raymond S. Londa represented the respondent.

Edward P. McKenzie - Suspended for one year on December 6, 2018, effective January 4, 2019, (236 *N.J.* 120) following his Alford plea, see *North Carolina v. Alford*, 400 U.S. 25 (1970), in the Superior Court of the Virgin Islands to one count of compounding a crime, contrary to 14 V.I.C. §521(a)(3), and in violation of *RPC* 8.4(b) (commission of a criminal act that reflects adversely

on a lawyer’s honesty, trustworthiness, or fitness), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Respondent knowingly concealed the crime of obtaining property under false pretenses as part of his role in a larger bid rigging conspiracy. Hillary Horton represented the OAE on a motion for final discipline and Jonathan D. Clemente represented the respondent.

Nirav Mehta – Reprimanded by consent on April 3, 2018 (232 *N.J.* 452) for violating *RPC* 1.15(a), *RPC* 1.15(d), and Rule 1:21-6. Joseph A. Glyn represented the OAE, and Rosalyn A. Metzger represented the respondent on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Reprimanded in 2016. This matter was discovered solely as a result of the Random Audit Compliance Program.

Diego P. Milara – Censured on September 21, 2018 (235 *N.J.* 170) for violating *RPC* 1.3(b) (lack of diligence); *RPC* 1.15(d) (recordkeeping); *RPC* 5.5(a)(1) (practicing law while ineligible); *RPC* 8.1(b) (failure to cooperate with ethics authorities); and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Al Garcia represented the OAE before the DRB and Gerard E. Hanlon appeared on behalf of the respondent. The respondent was previously disciplined: Temporarily suspended in 2016 and again in 2017 in a separate matter. He remains suspended to date.

S. Michael Musa-Obregon – Admonished on April 25, 2018 (*Unreported*). Pursuant to *RPC* 8.5(a), as a New York attorney, not admitted in New Jersey, respondent was subject to the jurisdiction of New Jersey disciplinary authorities for legal services he undertook in this state. The respondent entered into a retainer agreement pertaining to a family court action which provided that twenty-five percent of the fee was non-refundable. The DRB found that this term in the agreement violated *RPC* 1.5(a), which requires a lawyer to charge a reasonable fee. The provision also violated Rule 5:3-5(b), which prohibits the inclusion of a non-refundable retainer provision in a civil family action fee agreement. Francis J. Leddy, Jr. represented District XI and Kim D. Ringler represented the respondent.

Howard Z. Myerowitz - Censured on November 2, 2018 (235 *N.J.* 416) for making misrepresentations to a United States federal court in the course of his representation of defendants in a trademark infringement suit, contrary to *RPC* 3.3(a)(1) false statement of material fact or law to a tribunal); *RPC* 3.4(c) (knowingly disobey an order of a tribunal); *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 and respondent was pro se.

Rachel H. Nash – Two-year suspension imposed on March 27, 2018, effective April 23, 2018, (232 *N.J.* 362) for violating *RPC* 3.1 (asserting an issue with no basis in law or fact); *RPC* 3.2 (failure to expedite litigation); *RPC* 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal); *RPC* 4.4(a) (during the representation of a client, using means that have no substantial purpose other than to embarrass, delay or burden a third person); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). This matter was based upon the respondent's unethical conduct in three civil actions in New York in which she repeatedly filed frivolous claims, cast aspersions on opposing counsel, failed to follow court orders, and showed no remorse for her conduct. Hillary Horton handled the matter for the OAE and respondent was pro se on a motion for reciprocal discipline.

Benjamin Nazmiyal – Disbarred on October 1, 2018, (235 *N.J.* 222) for violating *RPC* 1.15(a) (commingling of funds); *RPC* 8.1(b) (failure to reply to a lawful demand for information from a disciplinary authority); *RPC* 8.4(b) (criminal act that reflects adversely on a lawyer's honesty, trustworthiness or fitness as a lawyer in other respects); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and *RPC* 8.4(d) and Rule 1:20-20 (conduct prejudicial to the administration of justice). Al Garcia, Deputy Ethics Counsel represented Office of Attorney Ethics and respondent defaulted. The respondent was previously disciplined: Temporarily suspended twice in 2016.

Andrew M. Newman – Admonished on July 23, 2018 (*Unreported*) for (1) failing to maintain trust or business account cash receipts and disbursements journals; (2) maintaining improper trust and business account check images; and (3) failing to maintain proper monthly trust account three-way reconciliations. Although the respondent corrected the first two deficiencies, he was still not in compliance with the third deficiency as of the date of the oral argument before the DRB. In its letter of admonition, the DRB required the respondent, within ninety days from the issuance of the admonition, to bring his records into compliance with Rule 1:21-6 and provide proof to the OAE that he had done so. Al Garcia represented the OAE before the DRB and respondent appeared pro se. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Christie-Lynn Nicholson – Disbarred on October 9, 2018 (228 *N.J.* 524) for knowing misappropriation of law firm funds, in violation of *RPC* 1.15(a) and In re Siegel, 133

N.J. 162 (1992). Joseph A. Glyn represented the OAE before the Supreme Court and respondent failed to appear.

Felix Nihamin - Suspended for one-year on September 11, 2018, effective October 8, 2018 (235 *N.J.* 144) following a motion for reciprocal discipline after respondent's voluntary resignation from the New York Bar. Respondent admitted that he could not successfully defend against a charge that he had practiced while suspended in New York. Respondent's conduct violated *RPC* 5.5(a) (practicing law while suspended); *RPC* 8.1(a) (failure to cooperate with disciplinary authorities); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE and Kim D. Ringler represented respondent. Respondent has a prior disciplinary history: Admonished in 2010 and suspended for three-months in 2014.

Robert Novy – Disbarred by consent on September 4, 2018 (*N.J.*). Respondent acknowledged 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. Jason D. Saunders represented the OAE and Thomas R. Curtin represented the respondent.

Michael Osborne - Censured on a certified record on July 6, 2018 (234 *N.J.* 22) for failure to reply to a lawful demand for information from a disciplinary authority, contrary to *RPC* 8.1(b), and conduct prejudicial to the administration of justice, contrary to *RPC* 8.4(d), following his failure to file a required Rule 1:20-20 affidavit. Hillary Horton represented the OAE and respondent was pro se.

Michael Osborne – Censured on a certified record on September 6, 2018 (235 *N.J.* 143) for violating *RPC* 1.16(b) (safekeeping property) and *RPC* 8.1(b) (failure to cooperate with an ethics investigation). Peter J. Hendricks represented District VIII and respondent failed to respond to the complaint. The respondent was previously disciplined: Temporarily suspended in 2016 (he remains suspended to date) and censured in July 2018. This case also proceeded on a certified record.

Nicholas A. Pagliara – Three-month suspension imposed on March 22, 2018, effective April 23, 2018, (232 *N.J.* 327) following respondent's criminal conviction in the Superior Court of New Jersey to third-degree aggravated assault, contrary to N.J.S.A. 2C:12-1(b)(7), in violation of *RPC* 8.4(b) (commission of a criminal act that reflects adversely on lawyer's honesty, trustworthiness or fitness as a lawyer). This matter resulted from an incident of domestic violence between respondent and his wife. Eugene A. Racz and Hillary Horton handled the matter for

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

Jeffrey L. Perlman - Suspended for one year on July 9, 2018, effective August 3, 2018, (234 *N.J.* 77) based on discipline imposed in Pennsylvania for unethical conduct that in New Jersey constitutes 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 communicate with the client); *RPC* 1.4(c) (failure to explain the matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation); *RPC* 1.15(a) (failure to safeguard client funds, negligent misappropriation, and commingling); *RPC* 1.15(b) (failure to promptly notify and deliver funds or property to client or third party); *RPC* 1.16(d) (failure to protect client's interests upon termination of representation); *RPC* 3.2 (failure to expedite litigation); *RPC* 4.1(a)(1) (false statement of material fact or law to a third person); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Prior to reinstatement, respondent must provide proof of his fitness to practice, as attested to by a mental health professional approved by the Office of Attorney Ethics. Eugene A. Racz, Esq. handled the matter for the OAE and the respondent was pro se.

Mario J. Persiano, III – Suspended for three months on April 24, 2018, effective May 22, 2018, (233 *N.J.* 78) following his criminal conviction in the Superior Court of New Jersey to fourth-degree obstructing the administration of law or other governmental function, contrary to N.J.S.A. 2C:29-1, in violation of *RPC* 8.4(b) (commission of a criminal act that reflects adversely on lawyer's honesty, trustworthiness or fitness as a lawyer), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). respondent's ethical misconduct occurred while he was employed as the Pennsauken Township public defender when he obtained private clients, who were actually eligible for public defender representation, by failing to completely and accurately explain the right to obtain representation to those clients. Eugene A. Racz and Hillary Horton handled the matter for the OAE and Robert E. Ramsey represented the respondent on a motion for final discipline.

Nicole Leigh Perskie - Suspended for a period of two years on October 2, 2018, (235 *N.J.* 226) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.1(b) (pattern of neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep the client reasonably informed), *RPC* 1.5(b) (failure to communicate in writing the rate of basis of the fee), *RPC* 1.15(d) (failure to comply with recordkeeping requirements), *RPC* 5.5(a)(1) (practicing law while administratively ineligible to do so), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), *RPC* 8.4(b)

(engaging in criminal conduct that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Timothy J. McNamara represented the OAE and Respondent failed to appear. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Joan Othelia Pinnock – Suspended for three months on December 5, 2018 (effective January 4, 2019), (236 *N.J.* 96) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.1(b) (pattern of neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Sam Della Fera represented District VA Ethics Committee and the respondent was pro se. The respondent was previously disciplined: Reprimanded in 2013.

Michael J. Pocchio – Admonished on October 1, 2018 (*Unreported*) for allowing a client's divorce case to be dismissed for lack of prosecution and then failing to remedy that dismissal, in violation of *RPC* 1.1 (a), *RPC* 1.3 and *RPC* 3.2. He failed to keep his client informed about the status of her matter and never discussed with her the lack of service or the options to effectuate it and never informed her that the matter had been dismissed, in violation of *RPC* 1.4(b). Angela F. Pastor represented District VIII and respondent was pro se.

Tatiana Filimonova Poley - Suspended for one year on March 12, 2018 (232 *N.J.* 195) following her conviction in the state of New York of third-degree larceny and for the unauthorized practice of law. Hillary Horton represented the OAE on a motion for reciprocal discipline and respondent was pro se.

Ronald S. Pollack – Censured on December 5, 2018 (236 *N.J.* 95) as a matter of reciprocal discipline from the Commonwealth of Pennsylvania for violations of *RPC* 1.3 (lack diligence), *RPC* 1.4(b) (failure to keep clients reasonably informed about the status of matters and to promptly comply with reasonable requests for information), *RPC* 1.15(a) (negligent misappropriation of trust funds and commingling of funds), *RPC* 1.15(b) (failure to promptly notify clients or third persons of receipt of funds and failure to promptly disburse funds that clients or third persons were entitled to receive), *RPC* 1.15(c) (failure to segregate disputed funds), and *RPC* 1.15(d) (failure to comply with recordkeeping rules). HoeChin Kim appeared for the OAE before the DRB, and Robyn M. Hill represented respondent. This matter was discovered as a result of the Trust Overdraft Notification Program.

Richard L. Press - Censured on June 21, 2018 (233 *N.J.* 594) on a motion for reciprocal discipline for falsely reporting that his litigation bag/briefcase had been stolen in the federal courthouse in Camden, in violation of *RPC* 3.3(a)(1) (knowingly making a false state of material fact to a tribunal), and *RPC* 4.1(a)(1) (knowingly making a false statement of material fact to a third person). Hillary Horton handled the motion for reciprocal discipline on behalf of the OAE and Robert E. Ramsey represented respondent. The respondent was previously disciplined: Reprimanded in 2009.

Joel I. Rachmiel – Admonished on April 24, 2018 (*Unreported*) for holding monies from a personal injury settlement in escrow to pay medical liens, then delaying paying the liens for almost six years. The delay caused the client's accounts to be placed in collection, adversely affecting her credit rating. During this time, respondent failed to respond to the client's requests for a status report on these payments, in violation of *RPC* 1.1(a), *RPC* 1.3, and *RPC* 1.4(b) and (c). Richard J. Botos represented District XII and Raymond S. Londa represented the respondent on a motion for discipline by consent granted by the DRB.

Karlene A. Rawle-Walters – Admonished on July 20, 2018 (*Unreported*) for violating *RPC* 1.1(A) (handling or neglecting a matter entrusted to the lawyer in such manner that the lawyer's conduct constitutes gross negligence) in connection with an investment made by the grievant in a company run by respondent's husband. Christina Blunda represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB.

Michael L. Resnick - Disbarred on March 2, 2018, (232 *N.J.* 166) 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) (failure to safeguard funds and the knowing misappropriation of client and escrow funds), *RPC* 1.15(b) (failure to promptly disburse funds in which a client or third person has an interest), *RPC* 8.1(b) and *Rule* 1:20-3(g)(3) (failure to reply to a lawful demand for information from a disciplinary authority), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Timothy J. McNamara represented the OAE before the Supreme Court and respondent failed to appear. The respondent was previously disciplined: Reprimanded in 1998 and 2014 and temporarily suspended in 2016 and 2017. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Arcadio J. Reyes - Admonished on June 13, 2018 (233 *N.J.* 463) for gross neglect, contrary to *RPC* 1.1(a), lack of diligence, contrary to *RPC* 1.3, failure to return an unearned fee, contrary to *RPC* 1.4(b), and failure to set forth in writing the rate or basis for a fee, contrary to *RPC*

1.5(b). Hillary Horton represented the OAE on a motion for reciprocal discipline from the District of Columbia and respondent was pro se.

Stuart I. Rich - Suspended for two years on July 6, 2018, effective August 6, 2018, (234 *N.J.* 21) based on his guilty plea in the New York Supreme Court to one count of fifth-degree criminal tax fraud, in violation of 20 *N.Y.C.R.R.* §1802, a Class A misdemeanor under §70.14 of the *New York Penal Code*, conduct that in New Jersey constitutes the 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) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Eugene A. Racz handled the matter for the OAE and the respondent was pro se.

Richard P. Rinaldo – Admonished on October 1, 2018 (*Unreported*) for commingling personal funds with client funds in violation of *RPC* 1.15(a) and for failing to keep proper records, in violation of *Rule* 1:21-6 and *RPC* 1.15(d). Reid A. Adler represented the OAE and Robert E. Ramsey represented the respondent.

Joseph A. Rizzo - Censured on May 31, 2018 (233 *N.J.* 400) for lack of diligence, in violation of *RPC* 1.3, failure to keep a client reasonably informed, in violation of *RPC* 1.4(b), failure to promptly disburse funds, in violation of *RPC* 1.15(b), failure to return an unearned fee, in violation of *RPC* 1.16(d), and practicing while ineligible, in violation of *RPC* 5.5(a)(1) in one client matter. Hillary Horton represented the OAE on a motion for reciprocal discipline from Pennsylvania and respondent was pro se.

Gene S. Rosen – Suspended for three years on January 10, 2018 (231 *N.J.* 394) based on discipline imposed in the state of Florida, which, in New Jersey constitutes a violation of *RPC* 1.15(d) (recordkeeping violation), *RPC* 1.2(d) (assisting a client in conduct the attorney knows is illegal, criminal or fraudulent), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Christina Blunda represented the OAE before the DRB and respondent appeared pro se, by telephone.

Andrew S. Rosenbloom – Admonished on May 2, 2018 (235 *N.J.* 88) for respondent's violation of *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Andrew J. Karcich appeared before the DRB for District IV and respondent waived appearance.

Robert E. Rothman – Suspended for three years, retroactive to May 10, 2012, (235 *N.J.* 93) following respondent's guilty plea in the United States District Court for the District of New Jersey to an information charging

him with one count of the Sherman Act Conspiracy, in violation of 15 U.S.C. § 1, 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). This case arises out of the same criminal conspiracy as two companion cases, In re May, 230 *N.J.* 56 (2017) and In re Stein, 230 *N.J.* 57 (2017). Eugene A. Racz represented the OAE on a motion for final discipline and Raymond S. Londa represented the respondent.

Michael E. Rychel - Reprimanded on February 9, 2018, (232 *N.J.* 112) for violating *RPC* 3.2 (a lawyer shall treat with courtesy and consideration all persons involved in the legal process). Kevin P. Kelly represented District IIA before the DRB and respondent was pro se.

Erica Marie Scavone - Censured on April 5, 2018 (232 *N.J.* 455) for violating *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Loryn Lawson represented District IX and respondent was pro se on a motion for discipline by consent granted by the Disciplinary Review Board.

David Thomas Schlendorf – Admonished on July 23, 2018 (*Unreported*) for violating *RPC* 1.5(b) (when a lawyer has not regularly represented a client, the basis or rate of the fee shall be communicated in writing to the client before or within a reasonable time after commencing the representation) in two separate matters. Gregory B. Thomlison represented District IIIA and Robyn M. Hill represented the respondent.

Jeff A. Schnepfer – Reprimanded on September 24, 2018 (235 *N.J.* 217) for engaging in a concurrent conflict of interest in violation of *RPC* 1.7(a). Katrina Vitale represented District IV and respondent was pro se. Respondent was previously disciplined: Reprimanded in 1999.

Madeline E. Schwartz – Disbarred by consent on November 30, 2018 (236 *N.J.* 90), following her three-year suspension in Pennsylvania for knowing misappropriation of client trust funds and misrepresenting information to a client. Amanda Figland represented the OAE and respondent was represented by Kim D. Ringler. Respondent was previously suspended for three months in 2000.

Everette L. Scott - Disbarred on April 23, 2018 (232 *N.J.* 599), following his criminal conviction in the United States District Court for the Southern District of New York on one count of securities fraud, contrary to 15 U.S.C. §78ff and §78j (b), and two counts of wire fraud, contrary to 18 U.S.C. §1343, conduct in violation of *RPC* 8.4(b) (commission of a criminal act that reflects adversely on attorney's honesty, trustworthiness or fitness), *RPC* 8.4(c)

(conduct involving dishonesty, fraud, deceit or misrepresentation), and the principles of In re Wilson, 81 *N.J.* 451 (1979), and In re Hollendonner, 102 *N.J.* 21 (1985). Respondent and a former client stole in excess of five million dollars in two fraudulent schemes: a Treasury Strips scheme, and a coal mine investment scheme. Eugene A. Racz and Hillary Horton handled the matter for the OAE and John McGill represented the respondent on a motion for final discipline.

Gnoleba R. Seri – Suspended for eighteen months on January 17, 2018 (234 *N.J.* 183) for violating *RPC* 8.4(b) (committing a criminal act that reflects adversely on the attorney's honesty, trustworthiness or fitness as a lawyer in all other respects) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) based upon respondent's guilty plea on June 29, 2016, in the United States District Court of New York, to one count of fraud and misuse of visa, permits, and other documents, in violation of 18 U.S.C. §§ 2 and 1546(a). Specifically, respondent knowingly submitted falsified I-864 Forms in support for immigration visas. Eugene A. Racz represented the OAE and the respondent appeared *pro se* on the motion for final discipline.

Robert S. Shiekman – Reprimanded on September 20, 2018 (235 *N.J.* 167), following respondent's guilty plea to fourth-degree assault by auto and driving while intoxicated, in violation of N.J.S.A. 2C:12-1c(2) and N.J.S.A. 39:4-50, respectively. Joseph A. Glyn represented the OAE and Robert E. Ramsey represented the respondent on a motion for final discipline granted by the DRB.

Keith T. Smith - Censured on a certified record on January 11, 2018 (231 *N.J.* 397) for recordkeeping deficiencies, in violation of *RPC* 1.15(d) and Rule 1:21-6, and failure to cooperate with ethics authorities, in violation of *RPC* 8.1(b) and Rule 1:20-3(g)(3). Michael J. Sweeney represented the OAE and respondent was *pro se*. Respondent was previously disciplined: Admonished in 2008 and censured in 2011; and temporarily suspended in 2017. This matter was discovered solely as a result of the Random Audit Compliance Program.

Keith T. Smith - Suspended for three months effective October 19, 2018 (235 *N.J.* 169) for violating *RPC* 3.5(b) (ex parte communications) and *RPC* 4.2 (a lawyer shall not communicate with a person the lawyer knows is represented by counsel) in a District I matter and *RPC* 5.5(a)(1) and Rule 1:28A-2(d) (practicing law while ineligible for failing to comply with IOLTA requirements) in an OAE matter. The Court denied Respondent's petition for review. Steven D. Scherzer represented District I, HoeChin Kim represented the OAE, and respondent was pro se. Respondent was previously

disciplined: Admonished in 2008; censured in 2011; temporarily suspended in 2017 and censured in 2018.

Keith T. Smith – Suspended for six months on September 21, 2018, effective January 21, 2019 (235 *N.J.* 169) following respondent’s guilty plea to simple assault, contrary to N.J.S.A. 2C:12-1a(3) and in violation of *RPC* 8.4(b). Joseph A. Glyn represented the OAE and respondent appeared pro se on a motion for final discipline granted by the DRB. The respondent was previously disciplined: Admonished in 2008; censured in 2011; temporarily suspended in 2017; censured in 2018 and suspended for three months effective October 19, 2018.

Theodore H. Smith – Disbarred by consent on November 28, 2018, (___*N.J.*___) after he admitted that he knowingly misappropriated clients’ trust funds. Steven J. Zweig represented the OAE and Fredric L. Shenkman represented the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

William J. Soriano - Suspended for two years on April 9, 2018 effective May 8, 2018 (232 *N.J.* 457) for violating *RPC* 1.15(b) (failure to promptly disburse funds to a third party); *RPC* 1.2(d) (assisting a client in conduct the attorney knows to be illegal, criminal or fraudulent); and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Steven J. Zweig appeared before the Supreme Court for the OAE and Lewis Markowitz appeared for the respondent. The respondent was previously disciplined: Reprimanded in 2004 and censured in 2011.

Michael R. Speck - Reprimanded on November 8, 2018 (235 *N.J.* 481) for violating *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations) for failing to properly oversee trust and business accounts of the law practice of his deceased partner. Andrea R. Fonseca-Romen and Hillary Horton represented the OAE and Donald M. Lomurro represented the respondent.

Ronald W. Spevack – Admonished on April 25, 2018 (*Unreported*) for his violations of *RPC* 1.1(a) (competence and gross negligence), *RPC* 1.3 (diligence), *RPC* 1.4(b) (communication), *RPC* 1.5(b) (retainer agreement), and *RPC* 8.4(d) (misconduct) in connection with his handling of a medical malpractice case. Howard Duff represented District VIII and Pamela Lynn Brause represented the respondent on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Reprimanded in 1997 and two admonitions in 2005.

Paul Speziale - Suspended for one year on a certified record on May 2, 2018, (233 *N.J.* 203) for violating *RPC* 1.1(a) (gross neglect); *RPC* 1.2(a) (failure to abide by the

client’s decisions regarding the scope of the representation); *RPC* 1.3 (lack of diligence); *RPC* 1.4(b) (failure to keep a client reasonably informed); *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary for the client to make informed decisions about the representation); *RPC* 1.15(a) (commingling of funds); *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations); *RPC* 3.4(c) (knowingly disobeying an obligation under the rules of tribunal); *RPC* 5.5(a) (practicing law while ineligible); *RPC* 8.1(b) (failure to respond to a lawful demand for information from a disciplinary authority); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). The violations arose from Speziale’s failure to protect his clients’ interests in a business venture and his subsequent mishandling of their bankruptcy petition. Eugene A. Racz, Esq. appeared before the Supreme Court for the OAE and respondent failed to appear. The first of the four matters considered here was docketed solely as a result of the Trust Overdraft Notification Program.

Claudio Marcelo Stanziola - Censured on May 31, 2018, (233 *N.J.* 401) for violating *RPC* 1.8 (a) (improper business transaction with a client). Francis Accisano represented District IX before the DRB and Richard M. Keil represented respondent.

George P. Stasiuk - Censured on October 4, 2018 (235 *N.J.* 327) for failing to file his required Rule 1:20-20 affidavit, contrary to *RPC* 8.1(b) (failure to reply to a lawful demand for information from a disciplinary authority) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE on a certification of default and respondent was pro se. Respondent has a prior disciplinary history: Censured in 2016.

Alan M. Steinmetz - Disbarred by consent on August 10, 2018, (234 *N.J.* 607). Respondent acknowledged that he was aware that there was presently pending against him an investigation alleging the knowing misappropriation of escrow funds. Respondent acknowledged that this allegation is true and if he went to a hearing on that matter, he could not successfully defend himself against those charges. Timothy J. McNamara represented the OAE and Marc D. Garfinkle represented the respondent.

Peter S. Stern - Disbarred by consent on December 17, 2018 (236 *N.J.* 215), for respondent’s knowing misappropriation of client trust funds, in violation of *RPC* 1.15(a) and In re Wilson, 81 *N.J.* 451 (1979). Reid Adler represented the OAE and Marc Garfinkle represented the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

Kenneth C. Strait, Jr. - Disbarred by consent on April 2, 2018 (232 *N.J.* 451) for respondent’s knowing

misappropriation of client trust account funds. Christina Blunda represented the OAE and Gerard E. Hanlon represented the respondent. Respondent was previously disciplined: Reprimanded in 2011. This case was discovered solely as a result of the Trust Overdraft Notification Program.

Craig C. Swenson – Disbarred by consent on April 30, 2018, (233 *N.J.* 149) for knowingly misappropriating client trust funds. Al Garcia represented the OAE and Edward Cillick represented the respondent. The respondent was previously disciplined: Admonished in 2017.

Jason M. Tabor - Disbarred on September 18, 2018 (235 *N.J.* 162) for knowing misappropriation of client 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* 8.4(b) (criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Although the Disciplinary Review Board was divided evenly as to whether an attorney-client relationship existed between the respondent and the grievant and whether he committed a violation of knowing misappropriation, the Court determined after its own review that respondent did commit knowing misappropriation in violation of In re Wilson. HoeChin Kim appeared before the Supreme Court for the OAE and respondent failed to appear.

Logan M. Terry – Censured on November 1, 2018 (235 *N.J.* 414) for violating *RPC* 1.7(a)(2) (conflict of interest) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice) in his representation of a client in a criminal matter. Joseph A. Glyn appeared before the DRB for the OAE and respondent appeared pro se.

Ronald Thompson – Reprimanded on September 21, 2018 (235 *N.J.* 166) for violating *RPC* 1.4(b) (failure to keep the client reasonably informed about the status of a matter) and *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation). K. Raja Bhattacharya represented DEC VB and Marc D. Garfinkle represented respondent before the Disciplinary Review Board. Respondent was previously disciplined: Admonished in 1998 and 2010.

Frank N. Tobolsky - Disbarred on June 15, 2018 (233 *N.J.* 512) for knowing misappropriation of escrow funds in violation of *RPC* 1.15(a) (knowing misappropriation), *RPC* 1.15(c) (failure to hold property of clients or third parties in the lawyer’s possession separate from the lawyer’s own property), *RPC* 8.4(c) (conduct involving

dishonesty, fraud, deceit or misrepresentation), and the principles of In re Hollendonner, 102 *N.J.* 21 (1985). Respondent’s affirmative defense of gambling and depression did not meet the standard enunciated in In re Jacob, 95 *N.J.* 132 (1994). HoeChin Kim appeared before the Supreme Court for the OAE and respondent failed to appear.

Emery Z. Toth – Admonished on May 22, 2018 (*Unreported*) for engaging in a conflict of interest by referring one client to another client for financial advice without disclosing his personal relationship with the other client, in violation of *RPC* 1.7(a)(2). Richard Gale appeared before the DRB for District VIII and respondent appeared pro se.

Kimberly S. Tyler - Suspended for six months on September 7, 2018, effective October 8, 2018 (___ *N.J.* ___) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.1(b) (pattern of neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of the matter, and promptly comply with reasonable requests for information), *RPC* 1.5(b) (failure to provide the client with a writing setting forth the basis or rate of the fee, and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). John C. Garde appeared before the DRB for District VA and respondent waived appearance. The respondent was previously disciplined: Reprimanded in 2014.

Anthony J. Van Zwaren – Disbarred by consent on August 2, 2018, (234 *N.J.* 432) for knowingly misappropriating client trust funds from the attorney trust account in violation of *RPC* 1.15(a). Reid Adler represented the OAE and Gerard Hanlon represented the respondent.

William E. Wackowski - Reprimanded on a certified record on January 11, 2018 (231 *N.J.* 446) for violating *RPC* 1.4(b) (failure to communicate with the client), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Glenn D. Kassman handled the matter for District IIIA and respondent was pro se. The respondent was previously disciplined: Admonished in 2009.

Dennis F. Wagenblast - Disbarred by consent on January 12, 2018 (231 *N.J.* 447) for respondent’s knowing misappropriation of client funds earmarked for escrow in two real estate transactions. HoeChin Kim represented the OAE and Charles E. Starkey represented the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

David A. Walker - Suspended for one year on July 18, 2018, retroactive to July 7, 2017 (234 *N.J.* 164) following his criminal conviction in New Jersey Superior Court to

conspiracy to facilitate the crime of using a runner, contrary to N.J.S.A. 2C:21-22.1 and N.J.S.A. 2C:5-2. Respondent accepted the referral of patients from a chiropractic practice as potential personal injury clients. Hillary Horton represented the OAE on a motion for final discipline and respondent was pro se.

Mark Weissmann - Disbarred by consent on January 29, 2018, (231 *N.J.* 496) for respondent's knowing misappropriation of client trust funds. Reid Adler represented the OAE and Andrew Cevasco represented the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

Christopher R. Welgos - Censured on July 20, 2018 (234 *N.J.* 188) for violating *RPC* 3.3 (a)(1) (knowingly make a false statement of material fact to a tribunal), *RPC* 8.1(b) and Rule 1:20-3(g) (failure to cooperate with disciplinary authorities) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Reid Adler represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Reprimanded in 2017.

Robert A. Wiancki, Jr. - Reprimanded on April 5, 2018 (232 *N.J.* 454) for violating *RPC* 1.15(d) (failure to comply with the recordkeeping requirements set forth in Rule 1:21-6). Jason D. Saunders 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.

Steven Harlan Wolff – Admonished on November 21, 2018 (*Unreported*) for utilizing a retainer agreement in a divorce matter that failed to comply with Rule 5:3-5, a violation of *RPC* 1.5(b). Respondent discovered during the investigation of this matter that his bookkeeper, an independent contractor, had died and had not provided him with the password to his Quickbook records. The company would not allow him access to the records and he was, therefore, unable to produce required attorney books and records, in violation of the recordkeeping requirements of *RPC* 1.15(d) and Rule 1:21-6. Lori P. Hager represented District XA and respondent was pro se.

Antoinette M. Wooten - Disbarred on October 18, 2018, effective immediately, (235 *N.J.* 358) following her disbarment in the United States District Court for the Eastern District of New York for the knowing misappropriation of client funds, contrary to *RPC* 1.15(a), and the principles of In re Wilson, 81 *N.J.* 451 (1979). Respondent knowingly and intentionally misappropriated her client's settlement funds. Hillary Horton represented the OAE on a motion for reciprocal discipline and respondent was pro se.

Daniel B. Zonies - Censured on October 17, 2018 (235 *N.J.* 336) for violating *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), *RPC* 1.8(e) (improper financial assistance to a client), and *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations). Jennifer Biderman appeared for District IV before the DRB and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2003 and 2013.

V. OTHER RELATED ACTIONS

The attorney disciplinary system also handles a significant number of other related actions involving New Jersey attorneys. During 2018, a total of 112 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 2018, a total of six (6) attorneys were the subject of a disability-inactive Order. This represents an increase from 2017 when two (2) attorneys

were so transferred. Prior years' results were: 2016 – 4; 2015 – 5; and 2014 – 2. During this 5-year period, an average of 3.8 lawyers per year on average were placed into disability-inactive status.

B. CONTEMPT

Prosecutions for contempt of Supreme Court orders under *R. 1:20-16(j)* is another category of cases entrusted to the OAE. These actions involve the improper, continued practice of law by suspended and disbarred attorneys. The OAE may file and prosecute an action for contempt before the Assignment Judge of the vicinage where the respondent engaged in the prohibited practice of law. It also has the authority to file disciplinary complaints against offending attorneys seeking sanctions for their violations. There were no prosecutions for contempt of Supreme Court orders in 2018.

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 2018, a total of 51 matters were approved for diversion by the OAE Director. By the end of the year, 56 diversions were successfully completed and 47 were still pending from 2018 and prior years. Occasionally, some respondents agree to diversion and then fail to complete the agreed conditions. This year, two (2) respondents failed to complete the conditions of diversion. These matters were returned to the district committee for the filing of a formal complaint. In 2017, 74 diversions were approved. During the last five years, an average of 57 diversions were approved annually. The most common diversion offenses for 2018 were: Money - Recordkeeping (29); Money – Other (5); Conflict of Interest (3); and Practicing While Ineligible (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 (44). Other required conditions included: completion of a course in New Jersey Trust and Business Accounting (38); three-way reconciliation reports (3); and substance abuse counseling (1). During the prior year (2017), attendance at the Bar Association's Diversionary Course was also the primary remedial condition (68).

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 twelve (12) attorneys in 2018, which was 37% less than in 2017.

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, 2018, forty-three (43) attorneys were subject to monitoring.

VI. DISCIPLINARY STRUCTURE

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

Attorney Discipline System

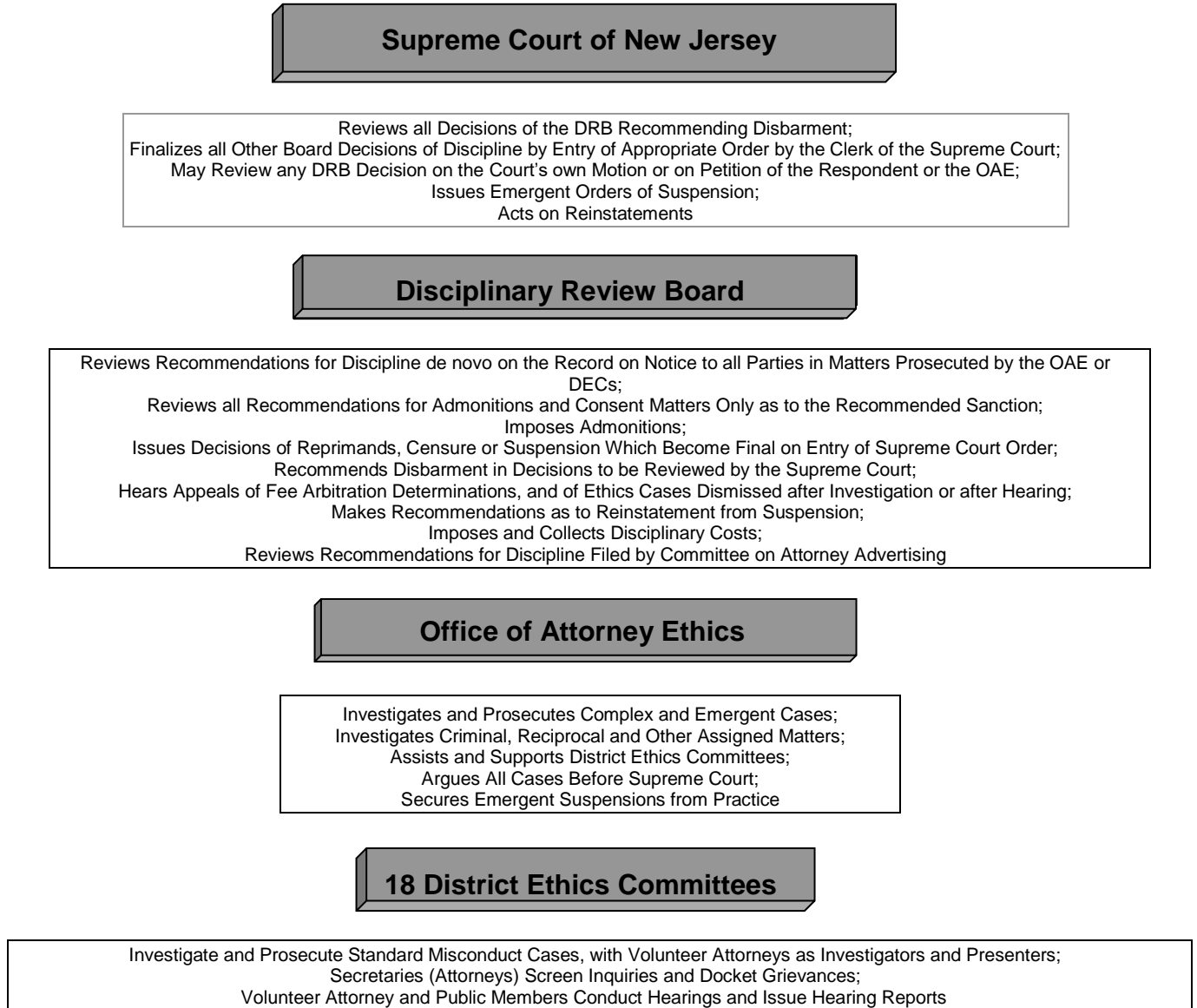


Figure 7

A. DISTRICT ETHICS COMMITTEES (DECs)

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

1. *Members and Officers of the DECs*

The DECs consist of volunteer members who investigate, prosecute and decide disciplinary matters. As of September 1, 2018, there were 662 volunteers (540 attorneys and 122 public members) serving *pro bono* across the state. The DEC leadership consists of three officers (all attorneys): a chair, who serves as the chief executive officer responsible for all investigations; a vice chair, who is responsible for all cases in the hearing stage; and a secretary, who is not a member of the DEC and who serves as the administrator of that DEC. The secretary receives and screens all inquiries and grievances. The secretary functions as the DEC's link to the public, fielding all calls from members of the public and the Bar and providing information about the grievance and disciplinary process. While secretaries receive an annual emolument to defray the expenses related to their duties, they are nonetheless volunteers, as are all of the members of the DECs.

2018-2019 District Ethics Committee Officers

CHAIR	VICE CHAIR	SECRETARY
District I - Atlantic, Cape May, Cumberland and Salem Counties		
Melissa Rosenblum-Pisetzner, Esq.	Sarah Blumberg Weinstock, Esq.	Christopher C. Fallon, III, Esq.
District IIA – Bergen – North		
Robert A. Knee, Esq.	Nancy Ann Del Pizzo, Esq.	Nina C. Remson, Esq.
District IIB - Bergen County – South		
Bong June Kim, Esq.	Helene C. Herbert, Esq.	Nina C. Remson, Esq.
District IIIA - Ocean County		
Linda Rehrer, Esq.	Thomas C. McCoy, Esq.	Steven Secare, Esq.
District IIIB - Burlington County		
Michael J. Wietrzychowski, Esq.	Carlo Scaramella, Esq.	Cynthia S. Earl, Esq.
District IV - Camden and Gloucester Counties		
Daniel Q. Harrington, Esq.	Melissa Brown, Esq.	John M. Palm, Esq.
District VA - Essex County – Newark		
John C. Garde, Esq.	David M. Puteska, Esq.	Natalie S. Watson, Esq.
District VB - Essex County - Suburban Essex		
Kevin C. Orr, Esq.	George D. Lordi	Paula I. Getty, Esq.
District VC - Essex County - West Essex		
Anthony M. Rainone, Esq.	Christopher M. DiMuro, Esq.	John J. Zefutie, Jr., Esq.
District VI - Hudson County		
Christine C. Fitzgerald, Esq.	Daniel P. D'Alessandro, Esq.	Maria P. Vallejo, Esq.
District VII - Mercer County		
Andrea Dobin, Esq.	Elizabeth A. Smith, Esq.	David A. Clark, Esq.
District VIII - Middlesex County		
Howard Duff, Esq.	Phillip Nettle, Esq.	Barry J. Muller, Esq.
District IX - Monmouth County		
F. Patrick Accisano, Esq.	Claire Scully, Esq.	Mark B. Watson, Esq.

District XA – East Morris and Sussex Counties		
Diana C. Manning, Esq.	Gregory Bevelock, Esq.	Caroline Record, Esq.
District XB – West Morris and Sussex Counties		
H. Lockwood Miller, III, Esq.	Robert D. Correale, Esq.	Caroline Record, Esq.
District XI - Passaic County		
Carmen Elsa Cortes-Sykes, Esq.	Mary Tom, Esq.	Michael Pasquale, Esq.
District XII - Union County		
Glen J. Vida, Esq.	Richard M. Cohen, Esq.	Michael F. Brandman, Esq.
District XIII - Hunterdon, Somerset and Warren Counties		
Lisa M. Fittipaldi, Esq.	Paul Loeffler, Esq.	Donna P. Legband, Esq.

Figure 8

2. *Investigations*

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

3. *Complaints*

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

4. *Hearing Panels*

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

5. *Office of Attorney Ethics*

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

B. DISCIPLINARY REVIEW BOARD

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

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

oral argument. The respondent may appear *pro se* or by counsel. The presenter of an Ethics Committee or OAE Ethics Counsel appears to prosecute the matter. If the Review Board determines that a reprimand or greater discipline should be imposed, its written decision is reviewed by the Supreme Court, which then issues the final Order imposing discipline.

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

During 2018, OAE ethics counsel appeared before the Review Board to argue a total of 88 separate matters. The Review Board's review is *de novo* on the existing record and no testimony is taken.

C. SUPREME COURT OF NEW JERSEY

The Supreme Court of New Jersey is the third and highest level of the disciplinary system. Under the State Constitution, the Supreme Court of New Jersey has exclusive authority over the regulation of the practice of law. *N.J. Const.* art. VI, Section II, ¶3. The Supreme Court sets the terms for admission to the practice of law and regulates the professional conduct of attorneys.

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

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

The OAE represents the public interest in all cases before the Supreme Court. During 2018, OAE ethics counsel appeared a total of 34 times for oral argument in disciplinary cases. Arguments are televised in real time via streaming video technology over the Internet. Arguments can be accessed from the Judiciary's Website at www.njcourtsonline.com by clicking on the WEBCAST icon.

D. FINANCING ATTORNEY DISCIPLINE

1. Annual Attorney Registration Fee

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

Lawyers' Fund for Client Protection, *R. 1:28-2* (which reimburses clients whose monies have been taken by lawyers through dishonest conduct), as well as the Lawyers' Assistance Program (which helps lawyers with alcohol, substance abuse and other problems). For calendar year 2018, the total annual fee assessed for most lawyers (those admitted between 5 to 49 years) was \$212. Of this amount, \$148 was earmarked for attorney discipline, \$50 for the Lawyers' Fund, \$10 for Lawyers' Assistance, and \$4 for Continuing Legal Education.

2. *Comparison to Other Jurisdictions*

New Jersey attorneys pay among the lowest mandatory annual registration fees in the country. A July 1, 2018, survey prepared by the OAE for the National Organization of Bar Counsel, Inc., showed that New Jersey ranked 6th in attorney size (with 97,841 attorneys) out of 51 United States jurisdictions. The survey also demonstrated that the Garden State ranked 43rd (at \$212) in the amount of mandatory fees required to practice. In 2017, New Jersey also ranked 6th in attorney size and 43rd in mandatory fees.

3. *Disciplinary Oversight Committee*

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

The Oversight Committee for 2018 consisted of six attorneys (Hon. Joel Rosen, U.S. Magistrate Judge (Retired), Chair, Matthew O'Malley, Esq., Vice-Chair, Paris P. Eliades, Esq., Debra Stone, Esq., Hon. Nesle A. Rodriguez, J.S.C., and R. James Kravitz, Esq.) and five public members (Mr. Luis J. Martinez, Mr. Spencer V. Wissinger, III, CPA, Mr. Philip Abram, Ms. Nora Poliakoff, and Mr. Barry Davidson) all of whom serve *pro bono*.

The annual disciplinary budget for calendar year 2018 was \$13,376,536. Fifty-eight percent (58%) was allocated to the OAE and 19% to the Review Board. The balance was apportioned as follows: District Ethics Committees (7%), Random Audit Compliance Program (8%), Attorney Registration Program (5%), District Fee Arbitration Committees (3%) and Oversight Committee (1%).

E. OFFICE OF ATTORNEY ETHICS

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

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

Importantly, the OAE also is vested with exclusive investigative and prosecutorial jurisdiction in certain types of matters, such as emergent, complex or serious disciplinary

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

1. *OAE Legal Group*

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

2. *Administrative Group*

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

3. *Support Group*

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

4. *Complex Investigative Group*

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

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

5. *District Ethics Group*

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

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

VII. ATTORNEY FEE ARBITRATION

A. HISTORY AND PURPOSE

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

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

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

B. ADMINISTRATION

The OAE administers the district fee arbitration system, pursuant to the Rules of the New Jersey Supreme Court. The OAE Fee Arbitration Unit was staffed during 2018 by an administrative assistant, with clerical support. The OAE Fee Arbitration Unit provides assistance to the district fee secretaries and to committees in all aspects of fee arbitration cases. As of the start of the term of service on September 1, 2018, there were 346 members of district committees (245 attorneys and 101 public members, in addition to the 17 district fee secretaries, all of whom are attorneys) serving *pro bono* across the state.

C. STRUCTURE

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

2018-2019 District Fee Committee Officers

Figure 9

CHAIR	VICE CHAIR	SECRETARY
District I – Atlantic, Cape May, Cumberland and Salem Counties		
Victoria S. Kavanagh, Esq.	Gregory J. Mutchko, Esq.	Michael A. Pirolli, Esq.
District IIA – North Bergen County		
Vacant	Armando R. Horta, Esq.	Terrence J. Corrison, Esq.
District IIB – South Bergen County		
Marianne Quinn, Esq.	Robert M. Biagiotti, Esq.	Michael J. Sprague, Esq.
District IIIA – Ocean County		
Terry F. Brady, Esq.	Jennifer D. Armstrong, Esq.	Lisa E. Halpern, Esq.
District IIIB – Burlington County		
Linda A. Rinaldi, Esq.	Gene Markin, Esq.	Albert M. Afonso, Esq.
District IV – Camden and Gloucester Counties		
Barry W. Rosenberg, Esq.	Ned Mazer, Esq.	Daniel McCormack, Esq.
District VA – Essex County - Newark		
Jeffrey Bernstein, Esq.	Linda G. Hampton, Esq.	Jodi Rosenberg, Esq.
District VB – Essex County – Suburban Essex		
Stephen S. Berowitz, Esq.	Christine M. Tiritilli, Esq.	Harvey S. Grossman, Esq.
District VC – Essex County – West Essex		
Stuart I. Gold, Esq.	Richard I. Bier, Esq.	Peter J. Kurshan, Esq.
District VI – Hudson County		
Angela C. Femino, Esq.	Mary Ann R. Andrews, Esq.	Marvin R. Walden Jr., Esq.
District VII – Mercer County		
Michael I. Rosenberg, Esq.	Ayesha K. Hamilton	William P. Isele, Esq.
District VIII – Middlesex County		
Edward J. Ramp, Esq.	Alexander J. Kemeny, Esq.	William P. Isele, Esq.
District IX – Monmouth County		
Darren M. Gelber, Esq.	Gregory S. Baxter, Esq.	Robert J. Saxton, Esq.
District X – Morris and Sussex Counties		
Amy L. Miller, Esq.	Patricia J. Cistaro, Esq.	Marcy M. McMann, Esq.
District XI – Passaic County		
Candice L. Drisgula, Esq.	Jason C. Tuchman, Esq.	Jane E. Salomon, Esq.
District XII – Union County		
Stacey Edelbaum Boretz, Esq.	Nancy C. Richmond, Esq.	Carol A. Jeney, Esq.
District XIII – Hunterdon, Somerset and Warren Counties		
Nadine Maleski, Esq.	Everett E. Gale, III, Esq.	Olivier J. Kirmser, Esq.

1. *Filing for Fee Arbitration*

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

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

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

2. *Arbitration Hearings*

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

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

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

3. *Appeals*

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

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

Either the attorney or the client may take an appeal within 21 days after receipt of the Fee Committee's written determination by filing a notice of appeal in the form prescribed by the Disciplinary Review Board. All appeals are reviewed by the Disciplinary Review Board on the record. Its decision is final. There is no right of appeal to the Supreme Court. Following expiration of the time limit for filing the appeal, and unless the decision of the

Fee Committee has been reversed on appeal by the Disciplinary Review Board, the decision of the Fee Committee in the form of the written Arbitration Determination becomes final and binding on the parties. *R.1:20A-2(a)*.

D. ANNUAL CASELOAD

In 2018, Fee Committees handled a total of 1,312 matters, including new cases filed and those that reached a disposition during that year. The committees began the year with 457 cases pending from 2017. During the year, 855 new matters were added. **Figure 10.** A total of 868 cases were disposed of, leaving a balance of 444 matters pending at year's end. At the conclusion of 2018, the average number of cases pending before each of the 17 Fee Committees was 26.1 cases per district.

The 855 new filings received in 2018 involved claims against roughly 1.2% of the active New Jersey attorney population (75,207). 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
2018	855	-1.5%
2017	868	-12%
2016	986	-2.8%
2015	1,014	-15.1%
2014	1,194	--

For a more nuanced view of what these numbers may indicate, the number of fee arbitration cases filed with the district committees each year (855 in 2018) may be compared with the hundreds of thousands of legal matters filed with the courts, and the hundreds of thousands of non-litigated matters (real estate, wills, business transactions and government agency matters, etc.) handled annually in other forums.

Figure 10

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

1. Financial Results

During 2018, District Fee Committees arbitrated matters involving a total of more than \$11.1 million in legal fees, which represents a 14% increase from the \$9.8 million in legal fees handled during 2017. 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 422 hearings during 2018, involving more than \$10.2 million in total attorneys' fees charged. In 35.3% of the cases (149 hearings), the hearing panels upheld the attorney fees in full. In the balance of 64.7% of the fee cases (268 hearings), the hearing panels reduced the attorney fees by a total of almost \$2.5 million, which represents 31.5% of the total billings subject to reduction (\$2.5 million out of the total of \$7.8 million subject to reduction).

For an overview of the amounts at issue, the 268 cases in which the attorney fee was reduced by the hearing panel may be broken into the following categories:

\$0 to \$1,000 – 73 cases
\$1,001 to \$2,000 – 45 cases
\$2,001 to \$5,000 – 73 cases
\$5,000 to \$10,000 – 28 cases
\$10,001 to \$20,000 – 25 cases
\$20,001 to \$50,000 – 16 cases
Over \$50,000 – 8 cases

For *all* cases which proceeded to a hearing with an Arbitration Determination issued by the hearing panel, the average amount billed was \$24,377. The median amount billed was \$10,603. The average amount of the reductions in all cases which proceeded to an Arbitration Determination was \$9,243, with a median reduction amount of \$2,470.

It should be noted that the parties reached settlement without a hearing in an additional 158 cases. The total fees at issue in the cases settled by the parties involved \$822,947 in attorney fees. The attorneys agreed to a reduction in fees without going to a hearing in 53 of those cases (33.5% of the total cases settled by stipulation).

2. *Age of Caseload*

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

Of the 868 cases that proceeded from file-opening to case-closing in calendar year 2018, 67.3% reached disposition in fewer than 180 days (584 out of 868 total cases). The Fee Committees resolved 47 fewer cases in that interval than during the preceding calendar year, when 631 cases out of a total caseload of 939 were resolved in under 180 days. The data for 2018 shows that the Fee Committees resolved almost 7.6% fewer cases overall than during the preceding calendar year. Two hundred and twenty-nine (229) of the total cases resolved during 2018 were resolved within 60 days of filing. For 2017, 240 cases were resolved that quickly.

E. NATURE OF CASES

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

Over the past five years, family actions (including matrimonial, support and custody cases) have consistently generated the most fee disputes (30.8%) on average. Criminal matters (including indictable, quasi-criminal and municipal court cases) ranked second in frequency (15%). Third place was filled by General Litigation at 9.4%. Real Estate, at roughly 4.4%, came in fourth place, and Contract Matters came in fifth place at almost 2.7%. The overall filings fit into an additional 20 legal practice areas.

F. ENFORCEMENT

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

VIII. RANDOM AUDIT COMPLIANCE PROGRAM

A. PURPOSE

1. *Safeguarding Public Confidence*

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

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

Over 37 years after RAP first began, the conclusion is that the overwhelming majority of private New Jersey law firms (98.6%) account for clients' funds honestly and without incident. While technical accounting deficiencies are found and corrected, the fact is that only 1.4% of the audits conducted over that period have found serious ethical violations, such as misappropriation of clients' trust funds. Since law firms are selected randomly for audit on a statewide basis, the selections and, therefore, the results are representative of the handling of trust monies by private practice firms. These results should give the public and the Bar great trust and confidence in the honesty of lawyers and their ability to handle monies entrusted to their care faithfully.

2. *Auditing Objectives*

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

B. ADMINISTRATION

The OAE administers RAP. In 2018, the RAP staff was managed by Chief Auditor Barbara M. Galati, who joined the OAE in 1992. Other staff included three Senior Random Auditors: Mimi Lakind, Esq., Karen J. Hagerman, a Certified Fraud Examiner, and Justin A. Mendyk, a Certified Public Accountant and Certified Fraud Examiner; as well as three Random Auditors: Tiffany Keefer, Troy Spencer and Kyle Paul, a Certified Public Accountant.

C. RANDOMNESS AND SELECTION

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

D. STANDARDS FOR ACCOUNTING

New Jersey Recordkeeping Rule 1:21-6 has provided attorneys with detailed guidance on handling trust and business accounts for more than 49 years. It is the uniform accounting standard for all audits. This Rule, which incorporates generally accepted accounting practices, also specifies in detail the types of accounting records that must be maintained and their location. It also requires monthly reconciliations, prohibits overdraft protection and the use of ATM's for trust accounts, and requires a seven-year records retention schedule.

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

E. AUDITING PROCEDURES

1. Scheduling

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

2. Record Examination

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

3. *Notice of Deficiency*

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

F. COMPLIANCE THROUGH EDUCATION

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

G. DISCIPLINARY ACTIONS

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

Figure 11

2018 RAP Sanctions				
Attorney	County	Sanction	Citation	Violation
Grzenda, Paul Walter	Middlesex	Disbarment	231 N.J. 450	Money - Knowing Misappropriation [1.15]
Bernhammer, Roger C.	Passaic	Disbarment by Consent	234 N.J. 75	Money - Knowing Misappropriation [1.15]
Smith, Keith T.	Atlantic	Censure	231 N.J. 397	Money - Recordkeeping [1.15(D)]
Burger, Howard J.	Union	Reprimand	235 N.J. 216	Money - Negligent Misappropriation [1.15]
Ibezim, Sebastian Ony Jr.	Essex	Reprimand		Money - Recordkeeping [1.15(D)]
Mehta, Nirav	Middlesex	Reprimand	232 N.J. 452	Money - Negligent Misappropriation [1.15]
Wagenblast, Dennis F.	Ocean	Disbarment by Consent	231 N.J. 447	Money - Knowing Misappropriation [1.15]
Gaylinn, Diane Kantoff	Bergen	Disbarment by Consent	233 N.J. 344	Money - Knowing Misappropriation [1.15]
Weissmann, Mark	New York	Disbarment by Consent	231 N.J. 496	Money - Knowing Misappropriation [1.15]
Smith, Theodore H.	Atlantic	Disbarment by Consent		Money - Recordkeeping [1.15(D)]
Stern, Peter S.	Essex	Disbarment by Consent		Money - Knowing Misappropriation [1.15]

During the 37 years of RAP’s operation, serious financial misconduct by 207 attorneys was detected solely as a result of being randomly selected for audit. These attorneys received the following discipline: 101 attorneys were disbarred; 16 were suspended for periods of three months to two years; 13 were censured; 55 were reprimanded; and 22 received admonitions. The vast majority of the matters detected were very serious disciplinary cases that resulted in disbarment or suspension. Disbarred (101) and suspended (16) attorneys account for almost six in ten of all attorneys disciplined as a result of RAP’s efforts (57%). However, discipline alone does not adequately emphasize the full importance of RAP’s role over the past 37 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 2018, there were a total of 98,657 attorneys admitted to practice in the Garden State according to figures from the Lawyers' Fund for Client Protection (**Figure 12**). Historically, New Jersey has been among the faster growing lawyer populations in the country. This may be attributable to its location in the populous northeast business triangle between New York, Philadelphia and Washington, D.C. The total number of lawyers added to the bar population increased by 0.22% in 2018. With a general population of 8,908,520, there is now one lawyer for every 91 Garden State citizens.

According to a July 1, 2018 survey compiled by the OAE for the National Organization of Bar Counsel, Inc., a total of 2,128,763 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 4.6% 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
2018	98,657

Figure 12

B. ADMISSIONS

As of December 31, 2018, the attorney registration database counted a total of 98,657¹ New Jersey-admitted attorneys. Forty-four point eight percent (44.79%) were admitted since 2001 and 24% were admitted between 1991-2000. The other thirty-one point two percent (31.22%) were admitted in 1990 or earlier.

Breakdowns by periods are: 1950 and earlier - 123 (.12%); 1951-1960 - 700 (.71%); 1961-1970 - 2,697 (2.73%); 1971-1980 - 8,663 (8.8%); 1981-1990 - 18,626 (18.9%); 1991-2000 - 23,655 (24%); 2001-2010 - 24,466 (24.8%); and 2011-2018 - 19,727 (20%).

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

Year	YEAR ADMITTED	
	Number	Percent
<1950	123	0.12%
1951-1955	241	0.24%
1956-1960	459	0.47%
1961-1965	860	0.87%
1966-1970	1,837	1.86%
1971-1975	3,878	3.93%
1976-1980	4,785	4.85%
1981-1985	7,554	7.66%
1986-1990	11,072	11.22%
1991-1995	12,364	12.53%
1996-2000	11,291	11.44%
2001-2005	11,087	11.24%
2006-2010	13,379	13.56%
2011-2015	15,109	15.31%
2016-2020	4,618	4.68%
Totals	98,657	100.00%

Figure 13

C. ATTORNEY AGE

Of the 98,657 attorneys for whom some registration information was available, 98,442 (99.8%) provided their date of birth. A total of 215 attorneys (0.2%) did not respond to this question.

Attorneys in the 30-39 age range comprised the largest group of attorneys admitted to practice in New Jersey at close to twenty-five percent (24.83% or 24,446). The 40-49 year category comprised 22.02% or 21,669 lawyers. More than twenty-two percent (22.5% or 22,186) were between the ages of 50-59. The fewest numbers of attorneys were in the following age groupings: 29 and under (4.07% or 4,011), 60-69 (16.07% or 15,815) and 70 and older (10.5% or 10,315). **(Figure 14)**

AGE GROUPS		
Age	Number	Percent
< 25	82	0.08%
25-29	3,929	3.99%
30-34	12,287	12.48%
35-39	12,159	12.35%
40-44	10,313	10.48%
45-49	11,356	11.54%
50-54	11,642	11.83%
55-59	10,544	10.71%
60-64	8,973	9.12%
65-69	6,842	6.95%
70-74	5,173	5.25%
75-80	2,722	2.77%
> 80	2,420	2.46%
Totals	98,442	100.00%

Figure 14

D. OTHER ADMISSIONS

More than seventy-six percent (76.3%) of the 98,657 attorneys for whom some registration information was available were admitted to other jurisdictions. Slightly less than twenty-four percent (23.7%) of all attorneys were admitted only in New Jersey. **(Figures 15 & 16)**

OTHER ADMISSIONS		
Admissions	Attorneys	Percent
Only In New Jersey	23,364	23.68%
Additional Jurisdictions	75,293	76.32%
Totals	98,657	100.00%

Figure 15

ADMISSIONS IN OTHER JURISDICTIONS					
Jurisdiction	Admissions	Percent	Jurisdiction	Admissions	Percent
New York	45,101	46.47%	Indiana	115	0.12%
Pennsylvania	26,601	27.41%	West Virginia	113	0.12%
District of Col.	6,928	7.14%	South Carolina	98	0.10%
Florida	3,473	3.58%	Vermont	98	0.10%
California	2,000	2.06%	Kentucky	86	0.09%
Connecticut	1,714	1.77%	Rhode Island	85	0.09%
Massachusetts	1,499	1.54%	Oregon	80	0.08%
Maryland	1,235	1.27%	Hawaii	76	0.08%
Delaware	860	0.89%	New Mexico	73	0.08%
Illinois	768	0.79%	Alabama	72	0.07%
Virginia	745	0.77%	Virgin Islands	62	0.06%
Texas	643	0.66%	Kansas	51	0.05%
Georgia	570	0.59%	Iowa	44	0.05%
Colorado	486	0.50%	Arkansas	37	0.04%
Ohio	437	0.45%	Oklahoma	37	0.04%
North Carolina	356	0.37%	Puerto Rico	33	0.03%
Michigan	299	0.31%	Utah	33	0.03%
Arizona	291	0.30%	Alaska	31	0.03%
Minnesota	202	0.21%	Montana	30	0.03%
Missouri	197	0.20%	Mississippi	27	0.03%
Washington	177	0.18%	Nebraska	26	0.03%
Tennessee	155	0.16%	Idaho	13	0.01%
Wisconsin	147	0.15%	North Dakota	13	0.01%
Louisiana	130	0.13%	South Dakota	8	0.01%
New Hampshire	123	0.13%	Guam	5	0.01%
Nevada	120	0.12%	Wyoming	0	0.00%
Maine	118	0.12%	Invalid		
			Responses	343	0.35%
			Total Admissions	97,064	100.00%

Figure 16

E. PRIVATE PRACTICE

Of the 98,657 attorneys on whom registration information was tabulated, 37,006 stated that they engaged in the private practice of New Jersey law, either from offices within New Jersey or at locations elsewhere. **Figure 17.** Close to thirty-eight percent (37.5%) of the attorneys engaged in the private practice of New Jersey law, while more than 62% (62.5%) did not practice in the private sector.

Of those who engaged in the private practice of New Jersey law, close to sixty percent (59.7%) practiced full-time, twenty percent (20.1%) rendered legal advice part-time, and almost twenty percent (19.8%) engaged in practice occasionally (defined as less than 5% of their time). A little over .3 percent (.31%) of responses were unspecified.

Private Practice of New Jersey Law

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

Figure 17

1. *Private Practice Firm Structure*

Of the 37,006 attorneys who indicated they were engaged in the private practice of New Jersey law, 98.5% (36,454) provided information on the structure of their practice. Close to thirty-two percent (31.7%) of the responding attorneys practiced in sole proprietorships (sole practitioners (10,364) plus sole stockholders (1,189)). The next largest group were partners at 30.7% (11,187), associates at 27.7% (10,078), followed by attorneys who were of counsel with 7.2% (2,638), and other than sole stockholders with 2.7% (998).

Private Practice Firm Structure

Structure	Number	Percent
Sole Practitioner	10,364	28.43%
Sole Stockholder	1,189	3.26%
Other		
Stockholders	998	2.74%
Associate	10,078	27.65%
Partner	11,187	30.69%
Of Counsel	2,638	7.24%
Total	36,454	100.00%

Figure 18

2. *Private Practice Firm Size*

More than ninety-nine percent (99.7% or 36,900) of those attorneys who identified themselves as being engaged in the private practice of law indicated the size of the law firm of which they were a part. More than thirty percent (30.1% or 11,113) said they practiced alone; 8.8% (3,263) worked in two-person law firms; 12.8% (4,707) belonged to law firms of 3-5 attorneys; 28.2% (10,399) were members of law firms with 6-49 attorneys, and 20.1% (7,418) worked in firms with 50 or more attorneys.

PRIVATE FIRM SIZE		
Firm Size	Number	Percent
One	11,113	30.12%
Two	3,263	8.84%
3 to 5	4,707	12.76%
6 to 10	3,593	9.74%
11 to 19	2,828	7.66%
20 to 49	3,978	10.78%
50 >	7,418	20.10%
Total	36,900	100.00%

Figure 19

3. *Private Practice Law Firm Number*

No exact figures exist on the number of law firms that engage in the private practice of New Jersey law. Nevertheless, a reasonably accurate estimate can be made based on the 37,006 attorneys who indicated they engaged in the private practice of New Jersey law. A total of 36,900 (99.7%) indicated the size of their law firm. In each firm size category that was non-exclusive (i.e., other than 1 or 2), the total number of attorneys responding was divided by the mid-point in that category. For firms in excess of 50 attorneys, the total number of attorneys responding was divided by 50. Three-quarters of all law firms (75.1%) were solo practice firms, while just over 6% had 6 or more attorneys.

NUMBER OF LAW FIRMS				
Size Of Law Firm	Number Of Attorneys	Firm Size Midpoint	Number Of Firms	Individual Category %
One	11,113	1	11,113	75.09%
Two	3,263	2	1,632	11.01%
3 to 5	4,707	4	1,177	7.94%
6 to 10	3,593	8	449	3.03%
11 to 19	2,828	15	189	1.27%
20 to 49	3,978	35	114	0.77%
50 >	7,418	50	148	1.00%
Total	36,900		14,821	100.00%

Figure 20

4. *Bona Fide New Jersey Offices*

New Jersey attorneys are no longer required to maintain a bona fide office in New Jersey. Nevertheless, close to seventy-five percent (74.5%) of New Jersey attorneys (27,582) have a bona fide office in the state. More than twenty-five percent (25.4%) of New Jersey attorneys (9,406) had offices located in other jurisdictions: New York 12.9% (4,766), Pennsylvania 10.9% (4,044), Delaware less than 1% (106), and various other United States jurisdictions represent 1.3% (490). This data is not available for 18 attorneys (.05%).

BONA FIDE LAW OFFICE		
State	Number	Percent
New Jersey	27,582	74.53%
Pennsylvania	4,044	10.93%
New York	4,766	12.88%
Delaware	106	0.29%
Other	490	1.32%
No State Listed	18	0.05%
Total	37,006	100%

Figure 21

5. *Bona Fide Private Office Locations*

Practically all of the 27,582 attorneys engaged in private practice of New Jersey law from offices located within this state indicated the New Jersey County in which their primary bona fide office was located. Essex County housed the largest number of private practitioners with 15.6% (4,311), followed by Bergen County with 12.9% (3,554). Morris County was third at 12.2% (3,358), and Camden County was fourth with 8.8% (2,415).

ATTORNEYS WITH BONA FIDE OFFICES					
County	Number	Percent	County	Number	Percent
Atlantic	599	2.17%	Middlesex	1,738	6.30%
Bergen	3,554	12.89%	Monmouth	2,041	7.40%
Burlington	1,454	5.27%	Morris	3,358	12.18%
Camden	2,415	8.76%	Ocean	734	2.66%
Cape May	163	0.59%	Passaic	805	2.92%
Cumberland	165	0.60%	Salem	45	0.16%
Essex	4,311	15.63%	Somerset	1,009	3.66%
Gloucester	382	1.39%	Sussex	220	0.80%
Hudson	1,019	3.69%	Union	1,446	5.24%
Hunterdon	302	1.10%	Warren	136	0.49%
Mercer	1,682	6.10%	No County Listed	1	0.00%
Total				27,579	100.00%

Figure 22