

STATE OF THE ATTORNEY DISCIPLINARY SYSTEM REPORT

2005



Honorable Deborah T. Poritz
Chief Justice
Supreme Court of New Jersey

David E. Johnson, Jr.
Director
Office of Attorney Ethics

2005 Cover: Deputy Ethics Counsel Lee A. Gronikowski argues before the Supreme Court.

2004 Cover: Deputy Ethics Counsel John McGill, III argued before the Supreme Court.

OFFICE OF ATTORNEY ETHICS



SUPREME COURT OF NEW JERSEY

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May 15, 2006

TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT

It is with pleasure that I provide the Court with our 22nd issue of the State of the Attorney Discipline System Report. Among the reports 2005 findings are the following:

- The number of new investigations and formal complaints filed decreased by 5% to 1,700 at the end of 2005.
- The overall statewide compliance goal for investigations handled by the Office of Attorney Ethics and District Ethics Committees grew from 62% last year to 67% in 2005.
- Office of Attorney Ethics compliance (in handling primarily complex cases) increased from 50% in 2004 to 69% in 2005, due to increased resources granted by the Court from 2003-2005.
- District Ethics Committees (handling primarily standard cases) showed a small decrease in compliance with Court goals, from 71% last year to 66% this year.
- District Fee Arbitration Committees handled cases with over \$12 million in legal bills.
- The Random Audit Program conducted 359 full field audits of law firms and 50 additional mail audits. Four lawyers detected by the program were finally disciplined.
- At July 1, 2005, New Jersey ranked 5th in the nation in total lawyers admitted to practice.
- For the first time in history, our attorney population decreased at year-end (to 77,434), due to the revocation of 5,999 continuously ineligible attorneys. Still, there was one lawyer for every 113 New Jersey citizens.
- The Garden State ranks 40th in the country (at \$182) in annual attorney fees paid.
- The Supreme Court sanctioned 178 lawyers this year, an increase of under 1% from last year: final discipline – 145; emergent discipline - 33
- The Trust Overdraft Notification Program resulted in discipline of nine attorneys in 2005.
- According to our attorney registration information, Essex, Camden, Bergen and Morris counties accounted for 52% of the bona fide law offices in the state.

We are focused on achieving greater compliance with the Court's goals in the future and in administering the disciplinary, fee and random audit systems in the public interest.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David E. Johnson, Jr.", written in black ink.

David E. Johnson, Jr., Director
Office of Attorney Ethics

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DISCIPLINARY ACTIONS

Chapter One



“Today, we again reaffirm the rule announced in *Wilson* and hold that disbarment is the appropriate sanction in cases where it has been shown, by clear and convincing evidence, that an attorney has knowingly misappropriated client funds. We accept as an inevitable consequence of the application of this rule that rarely will an attorney evade disbarment in such cases. Public confidence in the “integrity and trustworthiness of lawyers” requires no less.” (Citing *In re Wilson*, 81 N.J. 451, 456)

Chief Justice Deborah T. Poritz
In re Greenberg, 155 N.J. 138, 151 (1998)

CAUSES FOR DISCIPLINE 2005

The Supreme Court of New Jersey disciplined a total of 178 attorneys this year: 145 of these resulted from final sanctions and 33 were emergent actions to protect the public. This total represents only a slight increase of less than 1% over the 177 practitioners disciplined in 2004. Of those, 154 were final sanctions, while 23 were emergent actions.

In calendar 2003, total discipline was 194 (163 final and 31 emergent). In 2002, a record-high sum of 269 sanctions was meted out (228 final and 41 emergent). 204 disciplines were imposed in 2001 (180 final and 24 emergent). Over the past five years, an average of 204 New Jersey attorneys has been disciplined yearly. Excluding the record high total from 2002, the remaining four-year average was a more typical 188.

The types of misconduct for which attorneys were disciplined in 2005 are shown in **Figure 1**. Gross and patterned neglect, 17% (25 of 145) continues as the number one reason why attorneys are disciplined. This is true nationally, as well as in New Jersey. Attorneys who commit gross negligence are a clear danger to the public. While New Jersey does not discipline single instances of simple neglect, multiple instances of simple neglect may form a pattern of neglect that will constitute unethical conduct. Last year, the category accounted for 24% of all sanctions (37 of 154 cases).

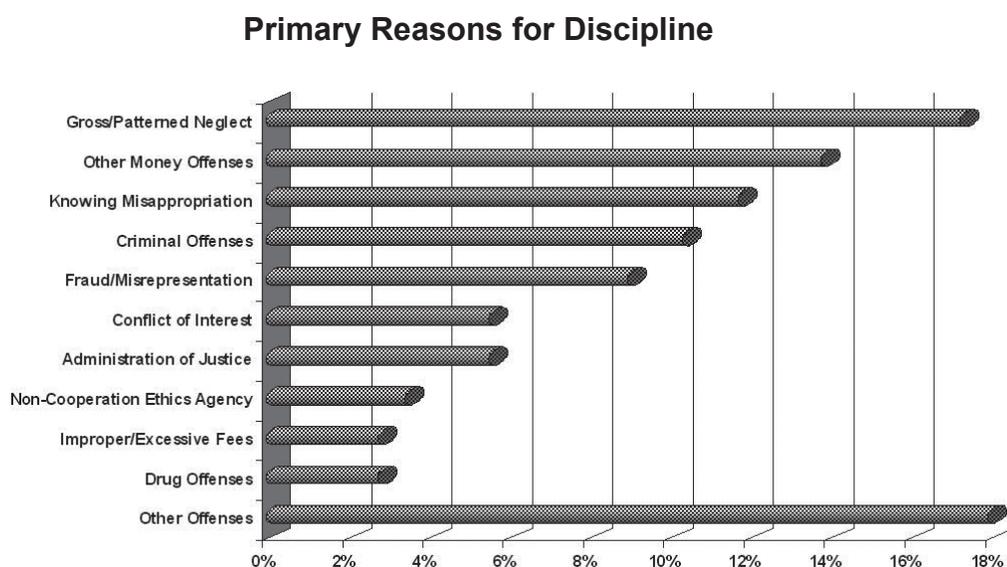


Figure 1

In second place this year was the broad category of “Other Money Offenses” at 13.79% (20 of 145 cases). This category includes negligent or reckless misappropriation, serious trust account recordkeeping deficiencies, failure to safeguard funds and escrow violations. Last year, this category was the fourth most frequent reason for discipline at 8.4% (13 of 154 cases).

Knowing misappropriation of trust funds at 11.72% (17 of 145 cases) constitutes the third most frequent cause for sanctions in the state this year. In 2004, the category was second at 11.04% (17 of 154 cases). Knowing misappropriation cases are of special importance in this state. New Jersey maintains a uniform and unchanging definition of the offense of misappropriation as set forth in the landmark decision in *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 funds and that the client has

not authorized their use. Knowing misappropriation cases, involving either client trust funds or law firm funds, mandate disbarment.

Moreover, New Jersey has the most pro-active financial programs of any state in the country, including Trust Overdraft Notification and Random Audits. The Trust Overdraft Notification Program began in 1985. It requires that all financial institutions report to the OAE whenever an attorney trust account check is presented against insufficient funds. During the 20 years of its existence, the Trust Overdraft Program has been the sole reason for the discipline of 105 New Jersey lawyers. About half of the attorneys (54.28%) disciplined as a result of the Overdraft Program were disbarred. In 2005, nine attorneys were detected and disciplined through this program: E. Nkem Okinkemere from Essex County was disbarred; Cumberland County practitioner Barry A. Perlow was disbarred by consent; Jeffrey W. Truitt of Essex County was suspended for one year; Bergen County attorney George J. Cotz was suspended for six months; H. Neil Broder of Mercer County was reprimanded; Marvin Lehman of Union County was reprimanded; C. Aaron Patel from Bergen County was reprimanded; Richard J. Cohan of Essex County was admonished; and Monmouth County attorney Spiro T. Michals was admonished.

The Random Audit Program (**Chapter 3**) began conducting audits in 1981. While not designed primarily to detect misappropriation, audits conducted through that program have also resulted in the detection of a number of serious financial violations. Over the 24 years since it began, a total of 110 attorneys, detected solely by this program, have been disciplined for serious ethical violations. Over two-thirds (67%) of those attorneys were disbarred or suspended. This year, four attorneys were disciplined for committing serious financial violations: Bergen County practitioner Craig E. Parles was disbarred by consent; Michael F. Sassano of Bergen County was disbarred by consent; Marvin S. Davidson from Essex County received a reprimand; and Burlington County practitioner John S. Conroy IV was reprimanded.

Ranking fourth in frequency of discipline are criminal offenses (excluding misappropriation, fraud and drug convictions) at 10.34% (15 of 145 cases). Last year, this category was in fifth place at 7.8% (12 of 154 cases). Criminal offenses run the gamut from aggravated assault to grand larceny to child pornography. Criminal cases resulting in sanctions in 2005 are summarized further in this chapter under the heading “Disciplinary Decision Overview.”

The category of fraud and misrepresentations (whether resulting from criminal or disciplinary findings) was fifth this year at 8.97% (13 of 145 cases). In 2004, this group was tied for second with 11.0% (17 of 154 cases).

The following offenses rounded out the top ten this year:

6. Conflict of interest violations came in sixth place this year accounting for 5.52% (8 of 145) cases. Last year this class was ranked tenth at 3.2% (5 of 154 cases). These offenses covered such violations including an attorney continuing to represent a public agency after switching sides to a private client (Frederick F. Fitchett III of Burlington County); improperly preparing a will naming his wife as substantial beneficiary (James C. Conlon of Union County); and simultaneously representing buyers and a title company in which the attorney had an interest without making the proper disclosures (Raymond L. Poling of Cape May County).

6. Also tied for sixth place in 2005 were offenses involving the administration of justice. That group represented 5.52% (8 of 145 cases). Last year, this category was not in the top ten. However, in 2003, it did place ninth. Examples of these matters were Elliot H. Gourvitz of Union County, who failed to obey a court order to pay a money judgment recovered against him; Kathleen S. Chasar of Mercer County, who filed a false certification with a court; and Herbert F. Lawrence of Monmouth County, who hid his assets in his own matrimonial case.

8. The eighth most frequent reason for discipline this year was non-cooperation with ethics authorities at 3.45% (5 of 145 cases). In 2004, this group was tied for seventh and represented 4.5% (7 of 154 cases).

Attorneys have an ethical obligation under *RPC 8.1(b)* and *R. 1:20-3(g)(3)* to cooperate during the investigation, hearing and processing of disciplinary matters. Increasingly they are being sanctioned for this failure. A few lawyers were 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. Additionally, it is more difficult, sometimes impossible, to ascertain the true facts without the attorney's help.

9. Improper and excessive fees again made the top ten this year at 2.76% (4 of 145 cases). Last year it ranked seventh at 4.5% (6 of 154 cases). These cases ran the gamut from failure to have a written fee agreement, to charging excessive fees to clients in contingent cases, to failing to refund moneys awarded to a client in a fee arbitration case.

9. Tied for ninth place this year were drug offenses by attorneys. This category accounted for 2.76% (4 of 145 cases). Last year, this group was not in the top ten reasons for sanctions. These violations included possession of controlled dangerous substances (often cocaine) and, in one instance, purchasing cocaine and contributing to the delinquency of a minor.

DISCIPLINARY SANCTIONS 2005

The Supreme Court (Court) sanctioned just one more New Jersey lawyer (178) this year than last year (177). (**Figure 2**).

In New Jersey, disciplinary sanctions are divided into two main categories. The largest category is final discipline, which is imposed by the Court after the respondent-lawyer has the opportunity for a hearing and appellate review by the Disciplinary Review Board (Review Board). Final disciplinary sanctions are explained further in this chapter under the heading "Final Discipline Cases." In 2005, 146 final sanctions were imposed. Last year, 154 final sanctions were meted out, while in 2003 the number was 163. There were 228 final discipline sanctions in 2002 and 180 in 2001.

The second category is emergent actions. These sanctions are imposed on an urgent basis in order to protect the public while discipline charges are pending. Emergent actions consist of temporary suspensions,

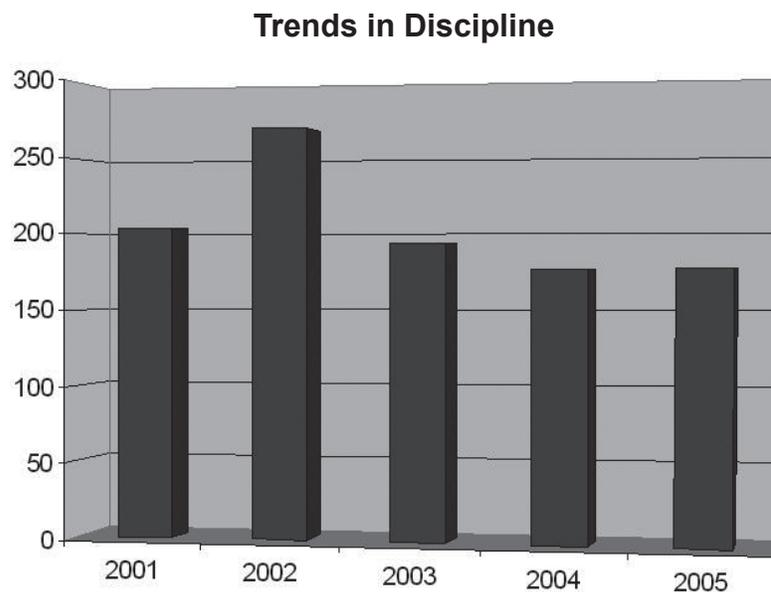


Figure 2

temporary license restrictions on the lawyer's practice or transfers to temporary disability-inactive status, where the lawyer, for health reasons, does not have the present capacity to practice law. The Office of Attorney Ethics (OAE) initiates all emergent actions before the Court. Emergent actions are explained further in this chapter under the heading "Emergent Discipline Cases." Thirty-three emergent actions were taken against New Jersey practitioners this year. Last year there were 23. Prior year comparisons are: 31 in 2003; 41 during 2002; and 24 emergent sanctions in 2001.

A number of factors contribute to the number of disciplinary sanctions imposed in a given year. Consequently, no definitive conclusions can be drawn from reviewing the data for a single year. A primary factor is timing - the fact that time goals that apply to disciplinary cases span more than one year from the docketing of a grievance to the imposition of discipline by the Court. There are four main stages that the majority of disciplinary cases must follow before discipline can be imposed: the investigation stage, the hearing process, intermediate appellate review by the Review Board and final Court evaluation and action. Furthermore, there are different investigative time goals, depending on whether the case is classified as standard (six months) or complex (nine months). The hearing time goal is six months.

Except for disbarments by consent, all cases are reviewed by the Review Board, and this, too, impacts on sanction time. The time it takes the Court to act is also a factor, with disbarment and other complex cases where oral argument is held often taking the full six-month time goal allowed, while other less complex cases, where there is no oral argument, usually take only about two months. Therefore, to traverse the disciplinary process from investigation to imposition of discipline normally takes between 20 to 27 months. Thus, the result of an investigation is not likely to result in discipline in the same year that it was docketed. Consequently, the number of attorneys disciplined from year to year often varies.

The number of docketed grievances filed each year is another factor in the amount of yearly discipline imposed. Grievance filings increased by 11% during the five-year period 2001-2005. Calendar year 2005 saw a decrease of 2.6% to 1,474, from 1,513 new grievance filings last year. Another important sanction dynamic is that each disciplinary case is fact sensitive. Thus, the difficulty of the matter and the cooperation of the attorney during the investigation, are always major considerations. The system does have a number of procedures to expedite some types of cases (disbarment by consent, the attorney's consent to a specific form of discipline, accelerated procedures for waiving a hearing if an attorney defaults by failing to answer a formal complaint and criminal convictions and reciprocal discipline from other states where proceedings are initiated at the Review Board level). However, the majority of disciplinary cases are contested at all stages, since the result may deprive the lawyer of the right to practice, either for a period of time, if the attorney is suspended, or permanently, if the attorney is disbarred. Finally, we must remember that disciplinary sanctions are imposed for aberrant conduct. The vast majority of the lawyers admitted in New Jersey are ethical practitioners. It is difficult to predict the amount of annual atypical misconduct involving a small number of unethical attorneys.

FINAL DISCIPLINE CASES

All final discipline is imposed by or under the auspices of the Supreme Court of New Jersey. The Court sits in Trenton, New Jersey at the Richard J. Hughes Justice Complex. The 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 Review Board concludes appellate review. In 2005, the Court imposed discipline with finality on 145 Garden State attorneys. There are seven primary forms that final disciplinary sanctions may take. In order of least serious to most severe, they are: admonition, reprimand, censure, final disability-inactive status, suspension (for definite or indeterminate term), revocation and disbarment. The 145 final sanctions imposed in 2005 include 19 disbarments by order of the Court, 11 disbarments by consent of the respondent, no revocations, 45 term suspensions, no indeterminate suspensions, 2 final transfers to disability inactive status, 8 censures, 34 reprimands and 26 admonitions.

Overall, there was a 6% decrease in the area of final sanctions in 2005 (145) versus 2004 (154). Disbarments by order of the Court (19) and disbarments by consent (11) were off by 5% versus the figures for 2004 (20 disbarments and 11 disbarments by consent). No attorney's licenses were revoked in 2005 or in 2004. Term suspensions were down 21%, 45 compared to 57 in 2004. The number of censures imposed increased from none in 2004 to 8 this year. Transfers to disability-inactive status also grew this year to two; last year there were none. Reprimands decreased by 21%, from 43 in 2004 to 34 this year. The category of admonitions increased by 13%, as 26 sanctions were imposed in 2005, compared to 23 last year.

Disbarment may either be imposed by the Court after considering the record of misconduct or, if the respondent consents to the sanction, the Court may note its acceptance by an order. Disbarment in New Jersey is virtually permanent, since reinstatement was granted in only three cases this century. *In re Wilson*, 81 N.J. 451, 456 n.5 (1979) and R. 1:20-15A(a)(1). Disciplinary revocation of license is an annulment of the right to practice law. This license revocation is imposed in limited circumstances, such as where a lawyer is admitted to practice based on false or incomplete information contained in the application for admission to the bar.

A suspension precludes an attorney from practicing law in the state for the period it is in force. Reinstatement from a suspension is not automatic, but requires an application and an order of the Court. There are two types of suspensions. Term suspensions generally prevent an attorney from practicing for a specific term that is no less than three months and no more than three years. R. 1:20-15A(a)(2). Indeterminate suspensions may be imposed for a minimum of five years, unless the Court's order provides otherwise. R. 1:20-15A(a)(3). During the period of suspension or following disbarment, another licensed attorney may not employ the disciplined attorney in any capacity, nor may the disciplined attorney share offices with a licensed attorney, even in a non-legal capacity. R. 1:20-20(a).

Final disability-inactive status is imposed where an attorney lacks the mental or physical capacity to practice law. R. 1:20-12. In order to be reinstated, these practitioners bear the burden of proving, by clear and convincing evidence, that they are again able to practice law without endangering themselves or the public.

Censure is a condemnation of the respondent's misconduct that is imposed by order of the Court. R. 1:20-15A(a)(4). It is a harsher sanction than a reprimand and reflects the more egregious character of the underlying unethical conduct. A reprimand is a rebuke for unethical conduct imposed by order of the Court. R. 1:15A(a)(5). Admonition is the least serious form of attorney discipline. R. 1:20-15A(a)(6). It is a written admonishment and is imposed either by letter of the Review Board or by order of the Court.

As noted earlier, some sanctions may be expedited. One such procedure results from the attorney's default. Where a respondent fails to file a verified answer to a complaint after being properly served, the attorney is defaulted and no evidentiary hearing is held. The Court's time goal for hearings is normally six months. The record of the proceeding is "certified" directly to the Review Board for sanction recommendation. The Review Board then evaluates the matter and sends its recommendation directly to the Court for imposition of discipline. The default process continues to show concrete results by reducing the time within which final discipline is imposed. This year, 16% (22 of 134) of the final sanctions imposed (excluding 11 disbarments by consent, which always require a respondent's active cooperation), were based on the attorney's default. During 2004, 18% of all such sanctions imposed resulted from the attorney's default. In prior years, the figures were: 2003 – 15%, 2002 – 17% and 2001 – 18%. Of the default sanctions imposed in 2005, the breakdown by sanction category was as follows: disbarments by order of the Court 16% (3 of 19); suspensions 29% (13 of 45); censures 25% (2 of 8); reprimands 6% (2 of 34) and admonitions 4% (1 of 26) and 50% (1 of 2) transfers to disability-inactive status.

SUPREME COURT CASE HIGHLIGHTS

This year, the Court (**Figure 3**) issued three opinions in disciplinary matters. Most disciplinary decisions take the form of orders without opinion, but reference the factual decision of the Review Board. Full opinions by the Court are of special significance. Additionally, the Court issued one non-disciplinary decision in a challenge to its court rule requiring grievants to maintain the confidentiality of investigations in disciplinary matters until and unless a public formal complaint was filed. That case — *R.M. v. Supreme Court of N.J., et al.*, 185 N.J. 208 — is discussed separately in **Chapter 2** on “The Discipline System.”

The three disciplinary decisions issued in 2005 covered two general areas: 1) disbarment of persistent offenders and 2) disbarment of repeat offenders who fail to cooperate in disciplinary proceedings, following its 2004 *Kantor* decision (*In re Kantor*; 180 N.J. 226)



Standing from left to right: Justice John E. Wallace, Jr.; Justice James R. Zazzali; Justice Barry T. Albin; Justice Roberto A. Rivera-Soto. Sitting from left to right: Justice Virginia A. Long; Chief Justice Deborah T. Poritz; Justice Jaynee LaVecchia

Figure 3

Two of the Court’s opinions disbarred attorneys who were described as “persistent offenders.” On February 10, 2005, the Court disbarred Richard J. Zeitler of Middlesex County (182 N.J. 389), who was first disciplined 1976, when he was suspended from practice for one year because of dishonesty, fraud, deceit and misrepresentation. In 1980, Zeitler was suspended for two years for gross neglect, misrepresentation and failure to communicate with clients. In 1999, and again in 2000, Zeitler was reprimanded for practicing while ineligible and for failing to act diligently and communicate with a client. As a result of the final reprimand, Zeitler was required to practice under the supervision of an attorney-proctor.

The 2005 case dealt with misconduct in three matters. Zeitler was found guilty of diligence in pursuing client matters leading to eventual dismissal of the cases. In addition to misleading his clients, the respondent also misled courts and the disciplinary investigator in an attempt to excuse his misconduct.

The Court found that “(r)espondent has disserved his clients over the course of almost thirty years, compiling an egregious disciplinary history.” *Id.* at 396. In ordering disbarment, the Court noted that “(d)isbarment is the only appropriate sanction when this Court is “unable to conclude that (an attorney) will improve his conduct.” [*Id.* at 399.] The Court concluded that, “Like the attorney we disbarred in (another case) respondent’s conduct here ‘has destroyed totally any vestige of confidence that [he] could ever again practice in conformity with the standards of the profession.’” [*Id.* at 399.]

The second persistent offender case was E. Lorraine Harris of Gloucester County, who was disbarred on March 16, 2005 in an opinion authored by Justice Barry T. Albin (182 *N.J.* 594). Harris was admitted to the New Jersey Bar in 1994. Since that time she had been disciplined six separate times: 1999 – temporary suspension (lasting one month); 2000 - temporary suspension (lasting nine days); 2000 – admonition; 2000 – reprimand; 2001 – suspension for three months; 2001 – suspension again for three months. Although she was never reinstated from her last suspensions, grievances continued to pour into the disciplinary system.

By the time the Court heard all remaining matters, the Review Board had issued five additional decisions finding serious unethical conduct in a total of 17 client matters. The Board’s multiple decisions found that respondent lacked diligence in seven matters; engaged in dishonest conduct, lacked candor and engaged in conduct prejudicial to the administration of justice in seven matters; failed to properly communicate with her clients in three matters; was grossly negligent in two matters; did not take proper steps on termination of representation on two occasions; did not take required actions by a suspended attorney in two matters; knowingly disobeyed the rules of a tribunal in two cases; used a misleading professional designation in one matter; failed in safekeeping property in one matter; and instituted a frivolous litigation on another matter. For these violations, the Review Board separately recommended a one-year suspension, a six-month suspension, a three-month suspension, a reprimand and a one-year suspension. In its final decision, the Board split on whether disbarment was the appropriate discipline for these myriad violations, with the majority voting for a one-year suspension and a minority of three lay members voting for disbarment.

Pointing out that Harris was a “persistent violator” of the ethical norms required of all attorneys, the Court had little hesitancy in imposing disbarment. The Court pointed out that “The proper measure of discipline will depend on a number of factors, including the nature and number of professional transgressions, the harm caused by those transgressions, the attorney’s ethical history, and whether the attorney is capable of meeting the standards that must guide all members of the profession.” *Id.* at 609. In deciding that disbarment was the right sanction, the Court noted that “(r)espondent’s tenure as an attorney has been marked by incompetence, deceit, and disloyalty to clients, a number of whom have been victimized by respondent. Although we take note that she has made contributions to her community and church, we cannot chance another run by respondent as an attorney. The risk to the public is too great.” *Id.* at 611.

The Court summed up its analysis of Harris with the following assessment:

“Since becoming a lawyer, the number and nature of her transgressions have struck at the core values that define a lawyer’s responsibility to clients, the court, and the profession. Basic honesty and a minimal level of competence are indispensable qualifications to practice law in this State. The pattern of respondent’s conduct over a course of years makes clear that she does not possess those essential qualifications. When a lawyer’s derelictions are so many and so grave, our paramount concern must be to protect the public and maintain the public’s confidence in the integrity of the profession.” *Id.* at 599.

The Court's third full opinion of 2005, (*In re Morell*, 184 N.J. 299), followed the Court's *Kantor* decision of 2004 (180 N.J. 226), which resulted in the disbarment of a recidivist attorney who defaulted in the current disciplinary proceeding and failed to cooperate at all levels. The Court referred to this circumstance as leaving a "record of silence" that bespoke respondent's disrespect and disdain for the Court and the disciplinary system. *Id.* at 228. In *Kantor*, the attorney, in addition to committing serious unethical conduct, "declined to answer the allegations in the resulting ethics complaint, which charged him with, among other things, gross neglect; ... offered no explanation for his conduct or evidence in mitigation of discipline to the Disciplinary Review Board (DRB); and ... defied this Court's order to appear and give cause why he should not be disbarred for his professional derelictions." *Id.* at 227-228.

The Court stated that

"We cannot conclude, as does the DRB, that respondent's utter disregard for the welfare of our professional rules, and for the entire disciplinary process merits a six-month suspension. Respondent has left us a record of silence. He has provided no reason to believe that he is fit to practice law now or in the future. Accordingly, we are constrained to order respondent's disbarment." *Id.*

Phillip M. Morell accepted a medical malpractice case, but then failed to file suit. For four years, he lied to the client and others about the status of the matter. In order to cover up his own neglect of the case, Morell concocted and carried out an elaborate scheme whereby he finally told the client that he settled the matter for \$1.1 million dollars. He then advised the client to go buy the car of his dreams, which the client did. Thereafter, respondent eventually confessed his wrongdoing, including the fact that he had fabricated the settlement and that, in fact, the case had been irrevocably dismissed.

In a *per curiam* opinion, the Court invoked *Kantor* and disbarred Morell. The Court pointed out that respondent Morell, like *Kantor*, had a disciplinary history (agreement in lieu of discipline in 1999 and a one-year suspension in 2003). Also like *Kantor*, respondent Morell failed to cooperate in the disciplinary proceeding against him, while committing serious unethical conduct.

The Court stated that, under *Kantor*, whether or not a respondent appears and participates and cooperates in a disciplinary proceeding is an important factor in fashioning the sanction to be issued: "(i)nasmuch as respondent failed to cooperate, failed to respond to the request for a verified answer, and failed to offer evidence in mitigation, disbarment is the appropriate sanction." *Id.* at 304.

Since the *Kantor* decision was issued in June 2004, the Court utilized the same rationale to disbar four other non-cooperating recidivist attorneys that year (Elliott D. Moorman, 181 N.J. 314; Paul J. Paskey, 181 N.J. 317; Francis X. Gavin, 181 N.J. 342; and Donald B. Devin, 181 N.J. 344). In 2005, the *Kantor* progeny increased. In addition to Phillip M. Morell, the Court disbarred these attorneys without opinion: Joseph E. Poveromo, 182 N. J. 206 (non-cooperation with disciplinary authorities and gross neglect in current matter, preceded by two other suspensions); Robert J. Handfuss, 183 N.J. 221 (non-cooperation with disciplinary authorities and gross neglect of 17 separate cases, preceded by two other suspensions).

As the Court continues to follow both the *Zeitler* "persistent offender" doctrine and the *Kantor* default/repeat offender doctrine in future years, it will thin the ranks of recidivist offenders earlier than had been done in the past. As a consequence, we can expect that the future number of final disciplinary sanctions will be reduced slightly as the disciplinary system will not need to repeatedly spend quite as much of its resources on future cases generated by the same respondents.

DISCIPLINARY DECISION OVERVIEW

Looking at the disciplinary sanctions imposed during 2005 in a more general overview we see a wide variety of unethical conduct committed by New Jersey lawyers. The Court reprimanded Elliot H. Gourvitz of

Union County for repeatedly disregarding court orders requiring him to satisfy his financial obligations to his former secretary, an elderly cancer survivor, who sued him successfully for employment discrimination when he refused to allow her to return to work after she had recovered from cancer surgery that disfigured her face; Charles R. Thomas of Passaic County was assessed a censure when, while serving as the Clerk of the Passaic County Board of Chosen Freeholders and County Treasurer, he improperly lent a motor pool vehicle to a county maintenance worker to commute to work, knowing that the worker did not possess a valid driver's license and then, after an accident, counseled the worker and his supervisor to lie to public officials and the respondent did the same; Essex County practitioner Vincent E. Bevacqua was suspended for 3 years for using a stolen credit card to attempt to purchase merchandise at a K-Mart store under an assumed name and for possessing five other fraudulent credit cards and a wallet with a phony driver's license bearing his picture; Frederick Fitchett III from Burlington County was suspended for three months for engaging in a conflict of interest by continuing to represent a public entity after switching law firms and becoming associated with another party in the same litigation; Attorney John P. Doyle from Ocean County was reprimanded for engaging in a conflict of interest by representing ARC Properties, Inc. before the Lakewood Township Committee, while ARC had matters pending in Brick Township, where respondent was the attorney for the planning board; David S. Silverman from Passaic County was suspended for one year for unethically compensating a chiropractor for referring clients to him during a period that spanned from 1997 through 2001; The Court reprimanded Thomas J. Coleman, III of Burlington County as a result of his suspension in the Commonwealth of Pennsylvania for, among other things, signing hundreds of pleadings as an attorney of record when he was ineligible to practice law for a period of nine years and for receiving more than \$7,000 for these services and Hudson County practitioner Alexander B. Dranov was suspended for three months for commingling personal and client funds, negligently misappropriating client funds and failing to maintain appropriate trust account records, including failing to perform quarterly reconciliations.

Allen C. Marra from Essex County was suspended for three years for unethically engaging in the practice of law on three occasions after he was previously suspended from the practice of law and lying about it in an affidavit; Thomas A. Giamanco of Bergen County received a censure for failing to file a bankruptcy petition until 15 months after he had been retained, failing to withdraw from representation after he was discharged and, when sued by the client, engaging in threats and intimidation in order to have the client discontinue the lawsuit; Monmouth County lawyer Warren R. Kraft was disbarred for knowingly misappropriating clients' trust funds; James C. Conlon from Union County was reprimanded for preparing a will for an elderly and infirm client with little family in which the respondent and his wife received all but \$45,000 of a \$410,000 estate; Practitioner Barbara G. Dupré of Atlantic County was suspended for five years for practicing law while previously suspended, failing to comply with notification requirements applicable to suspended attorneys, grossly neglecting an appeal which was dismissed and making misrepresentations to her client; Kathleen S. Chasar of Mercer County was suspended for three months for filing a false certification with the court in her own personal divorce case in an attempt to mislead the court; The Court suspended Herbert F. Lawrence of Monmouth County for six months for, in his own bankruptcy and matrimonial proceeding, engaging in numerous instances of fraud, misrepresentation and conduct prejudicial to the administration of justice by concealing assets from his wife and from the courts; H. Alton Neff from Ocean County received a censure for engaging in "abominable" conduct at a disputed real estate closing by unilaterally aborting the transaction; without authority, seizing his adversary's entire file and taking documents from it and then threatening the attorney with criminal prosecution if he and his clients failed to leave the office; Somerset County attorney Kathleen F. Gahles was admonished for failing to treat with courtesy and consideration all persons involved in the legal process when, during oral argument in a matrimonial motion, she made degrading statements about an opposing party – her client's wife – with no substantial purpose other than to embarrass the wife; House counsel Mary H. Richardson of Middlesex County was suspended for six months for misconduct including misrepresentation and deceit in court proceedings, involving lying and engaging in a recurring pattern of "conscious misstatements under oath;" and Richard R. Thomas, II of Essex County was suspended for three years for engaging in a fraudulent real estate transaction in which the buyer contributed virtually no funds towards the purchase, the seller received no consideration for the sale of her house and a "mortgage broker/realtor," and possibly respondent, received all of the sale proceeds.

Criminal convictions represent a significant portion of the serious cases that resulted in discipline in 2005. For example, Charles B. Kushner of Essex County (disbarred by consent after pleading guilty to 16 counts of assisting in the preparation of fraudulent partnership returns, one count of witness retaliation and one count of making false statements to the Federal Election Commission); Gloucester County attorney John S. Angelucci (reprimanded for resisting arrest); Assistant Middlesex County Public Defender Hanit Dorwani (disbarred by consent for pleading guilty to official misconduct); David L. Kervick of Union County (suspended for three months for pleading guilty to the disorderly persons offense of loitering with intent to obtain a controlled dangerous substance); Joseph M. Barry from Somerset County (disbarred by consent after a guilty plea to four counts of making cash payments to reward a government official); Allen J. Meyer of Monmouth County (disbarred by consent after pleading guilty to conspiracy to make false statements); Morris County attorney Ronald M. Sims (censured after conviction in municipal court of the petty disorderly persons offense of harassment, involving inappropriately touching his secretary); Deputy Attorney General Joseph J. Haldusiewicz of Essex County (suspended for six months for a guilty plea to fourth degree endangering the welfare of a child (possession of child pornography)); George Osei of Monmouth County (censured for his guilty plea to third-degree criminal mischief, after admitting intentionally causing \$72,000 worth of damage to a house that he had lost through foreclosure); Volf Zev Birman from New York State (suspended for one year based on a guilty plea in New York to a misdemeanor charge of employing an individual for the purpose of soliciting cases); Middlesex County private practitioner Jeffrey P. Lichtenstein (disbarred for theft by deception); and Anthony J. Briguglio from New York State (disbarred after pleading guilty to engaging in a scheme to defraud).

Of special note, too, is the fact that the Court imposed final discipline on seven New Jersey practitioners on two or more occasions within calendar year 2005. Middlesex County practitioner Louann K. Wonski was disciplined three times, while Howard M. Dorian from Bergen County, Robert J. Handfuss of Monmouth County, Bergen County attorney Larry J. McClure, Ronald W. Spevack from Middlesex County, John A. Tunney of Union County, and Alan Zark from Hudson County were all disciplined twice this year. **Figure 6**, located at the end of this chapter, contains a summary listing of all final and emergent discipline, and all reinstatement to practice cases decided in 2005. The summary is arranged first by type of sanction and then alphabetically by respondent. That listing is followed by an individual synopsis of each final disciplinary case arranged alphabetically by respondent.

EMERGENT DISCIPLINE CASES

Interim action taken to protect the public interest is referred to as emergent discipline. It is sought whenever the OAE believes a serious violation of ethical rules causes an attorney to pose a substantial threat of serious harm to an attorney, a client or the public (*R. 1:20-11*). Emergent discipline is also sought under *R. 1:20-12* where, due to mental or physical incapacity, the attorney poses a danger to him/herself or others.

Emergent discipline takes one of three forms: a temporary suspension from practicing law, the imposition of a restriction or condition on the attorney's right to practice law or a transfer to temporary disability-inactive status. Both temporary suspensions and transfers to disability-inactive status prevent the attorney from again practicing law until reinstated by the Court. Temporary license restrictions permit the lawyer to practice, but place conditions on that privilege.

For 2005, the number of emergent actions increased by 43% over the number secured last year. **Figure 4**. This year, a total of 33 attorneys were the subject of emergent actions (28 temporary suspensions, 2 license restrictions and 3 temporary disability-inactive transfers). During 2004, 23 attorneys received emergent sanctions (22 temporary suspensions, no license restrictions and one temporary disability-inactive transfers). For 2003, 31 respondents were so disciplined, consisting of 29 temporary suspensions, no license restrictions and two temporary transfers to disability-inactive status.

Over the past five years, an average of 30 lawyers were the subject of emergent actions. A five-year high of 41 emergent actions were taken in 2002. This group comprised 35 temporary suspensions, two license

Emergent Actions

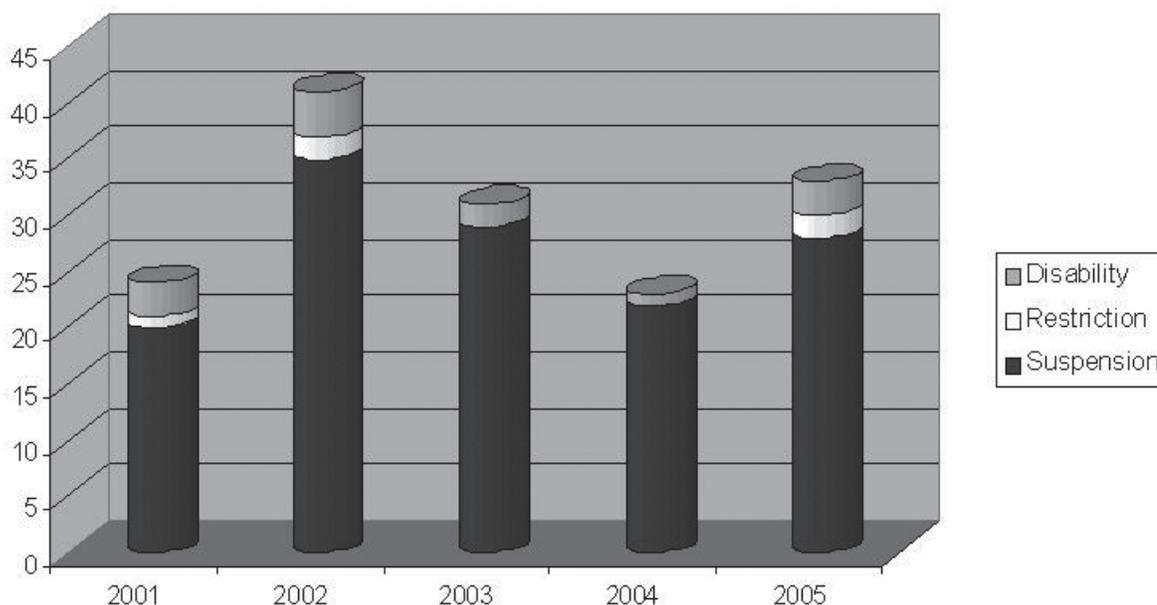


Figure 4

restrictions and four temporary transfers to disability-inactive status. Twenty-four lawyers were so disciplined in 2001 (20 were temporarily suspended, one license was restricted and three were transferred to disability-inactive status). The names of respondents who received interim emergent discipline for 2005 are listed in **Figure 6** at the end of this chapter.

Misconduct leading to emergent action involves serious ethical violations that put the public or the profession at risk if the attorney continues to practice law. An attorney's criminal conviction of a serious crime, as defined in *R. 1:20-13*, was the leading reason for emergent actions in 2005 at 52% (17 cases). This category accounted for 26% (6 cases) of emergent actions last year. In 2003, it comprised 23% (7 cases). For prior years, convictions comprised 27% (11 cases) in 2002 and 42% (10 cases) in 2001. The definition of serious crime includes first and second degree crimes, interference with the administration of justice, false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation and theft.

Misappropriation of clients' trust funds was the second most frequent reason for emergent action in 2005, involving 11 cases, or 33%. Last year this category accounted for 43% (10 cases). In 2003, this offense accounted for 45% (14 cases). For 2002, 45% (14 cases) were emergent and during 2001, the result was 29% (17 cases).

The third most frequent reason for emergent suspensions this year was transfer to disability-inactive status, which accounted for nine percent (three cases). In prior years, it accounted for 4% in 2004 (two cases), 6% (two cases) in 2003, 10% (four cases) in 2002 and 13% (3 cases) in 2001.

The non-payment of fee arbitration awards came in fourth place in 2005 at five percent with two cases. Where a lawyer fails to refund legal fees ordered by a district fee arbitration committee, the OAE, after advance notice to the attorney, may seek to enforce the arbitration award by a motion for temporary suspension from practice. During 2004, fee arbitration cases were also a frequent reason for emergent suspensions at 22% (five cases). In prior years, the numbers were: 2003 - 16%; 2002 - 5% and 2001 - 4%.

RELATED DISCIPLINARY ACTIONS

In addition to disciplinary sanctions, the attorney disciplinary system also handles a significant number of other related disciplinary actions involving New Jersey attorneys. During 2005, the disciplinary system handled a total of 131 such actions. Related disciplinary actions include: contested Character Committee cases, Bar Admission cases where allegations of cheating are made, 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 misconduct” may avoid discipline if they complete specific conditions, reinstatement proceedings involving suspended attorneys seeking to again practice law and cases where disciplined lawyers are monitored for a period of time after discipline is imposed.

CHARACTER/BAR ADMISSION/CONTEMPT CASES

Where there is a substantial question as to whether or not an applicant for admission to the Bar has demonstrated the moral fitness requisite to be admitted to practice law in this state, the matter is brought on for oral argument before the Supreme Court of New Jersey. The Court assigns the OAE to represent the Committee on Character (Committee) at all oral arguments.

All applications for admission to the bar are reviewed by the Committee through investigations and, where appropriate, hearings. Committee proceedings are conducted in accordance with *R. 1:25* to determine the applicant’s “fitness to practice.” The Committee may hold hearings, after which a recommendation either to certify or to withhold certification is filed with the Court. The Court may issue an Order To Show Cause why the applicant should not be admitted to practice. Oral argument is held before the Court in Trenton. In order to meet fitness requirements to practice law in this state, a bar applicant must possess the traits of honesty, truthfulness, trustworthiness and reliability. The OAE argued two character cases in 2005. Last year, the OAE also completed two cases before the Court. All Character Committee proceedings are confidential.

The Court also assigns to the OAE investigations and, if warranted, prosecutions of attorneys suspected of cheating on the state’s bar examination test. There were no such cases this year or last.

Prosecutions for contempt of Court under *R. 1:20-16(i)* are another related action 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. Alternatively, the OAE also has the authority to file disciplinary complaints against offending attorneys seeking sanctions for their violations. During 2005, Gloucester County attorney E. Edward Bowman was held in contempt by order of Assignment Judge George H. Stanger, Jr. dated April 26, 2005. The respondent was ordered to be incarcerated for 10 days and to pay a fine of \$1,000, with both sanctions suspended pending any further practice of law.

DIVERSIONARY ACTIONS

New Jersey attorneys who are guilty of “minor” misconduct may be eligible for diversion from the disciplinary system where the attorney agrees and undertakes certain remedial measures. Both the district ethics committee chair and the OAE Director must approve diversion. A grievant is given a period of ten days notice to comment prior to action. However, the decision to divert a case is not appealable by a grievant. Diversionary treatment is only available during the investigative stage of a matter and is non-disciplinary in nature.

“Minor” misconduct is behavior that will likely warrant no more than an admonition, the least serious of all disciplinary sanctions, if the matter proceeded to a hearing. Treating appropriate cases by diversion early

on in the disciplinary process allows an attorney to (1) acknowledge a mistake, and (2) take some remedial steps (which sometimes are beneficial to the grievant). This process also allows the disciplinary system to focus resources on the more serious cases. Diversions 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 2005, a total of 88 requests for diversion were received by the OAE and all were approved. By the end of the year, 55 of those cases were successfully completed, none failed and 33 were still pending. Last year, there were 98 requests for diversion and none were rejected by the OAE.

The most common offenses giving rise to diversion in 2005 were: gross negligence/lack of diligence/competence (23); supervisory responsibilities (15); lack of communication with clients (11); and minor conflicts of interest violations (6). Last year's most common offenses were: gross negligence/lack of diligence/competence (15); minor instances of practicing while ineligible (8); and minor conflicts of interest violations (8).

The New Jersey State Bar Association's Ethics Diversionary Education Course was the most popular condition imposed in diversionary matters this year (76). Other required conditions included sending letters of apology (14) and taking a legal education course (9). Last year, attendance at the State Bar's Diversionary Course was also the primary remedial condition (49).

REINSTATEMENT PROCEEDINGS

When an attorney is suspended from the practice of law, reinstatement may be achieved only after the respondent files an application, which is reviewed by the OAE, the Review Board and the Court. There is no procedure for a disbarred attorney to apply for reinstatement. In New Jersey, disbarment is permanent. *In re Wilson*, 81 N.J. 451, 456 n5 (1979) and R. 1:20-15A(a)(1).

Where the attorney is suspended for more than six months, a reinstatement petition may not be made until after expiration of the time period provided in the order of suspension. R. 1:20-21(a). Where the suspension is for a period of six months or less, the attorney may file the reinstatement petition and publish the required public notice 40 days prior to the expiration of the suspension period. R. 1:20-21(b).

The burden of proof in reinstatement proceedings is on the suspended attorney. Public comment is also encouraged. The suspended attorney must publish notice of the petition in the New Jersey Law Journal and New Jersey Lawyer (weekly legal periodicals to which many practicing attorneys subscribe) and in a newspaper of general circulation in each county in which the attorney practiced and/or resided at the time of the imposition of discipline. The Court reinstated 18 attorneys in 2005, an increase of 20% from the 15 who were reinstated last year. Prior years' reinstatements were: 16 in 2003; 23 for 2002; and 13 during 2001. **Figure 6**, located at the end of this chapter, contains a list of all attorneys who were reinstated this year.

MONITORING ATTORNEYS

Some attorneys are subject to monitoring conditions imposed by the Supreme Court of New Jersey, either as a result of previous reinstatement proceedings or in connection with sanctions in disciplinary proceedings. Generally, practice conditions are of two types. A proctorship is imposed upon those attorneys who need intensive guidance and oversight by a seasoned practitioner. Rule. 1:20-18 imposes specific reporting responsibilities on both the respondent as well as 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 all attorney trust and business records. The audit report includes (1) a schedule of the clients' trust ledgers as of the audit date, with a reconciliation to the trust checkbook balance and to the

bank statement, and (2) a detailed certification specifying, by correlatively numbered paragraphs, how the attorney has fully complied with each and every applicable section of our detailed recordkeeping rule (*R.1:21-6*).

Another condition is random, periodic drug testing at the attorney's expense. Finally, some attorneys are required to take ethics or substantive law courses. Twenty-two (22) attorneys were being monitored as of December 31, 2005. **Figure 5.**

During calendar year 2005, eleven (11) attorneys were added to the list of those being monitored by the OAE: Henry J. Aratow of Morris County; John S. Conroy, IV of Burlington County; Howard A. Gross of Camden County; Daniel D. Hediger of Bergen County; Russell T. Kivler of Mercer County; Marvin Lehman of Union County; Diane K. Murray of Hudson County; James Nichols of Middlesex County; John F. Rodgers, Jr. of Camden County; Philip V. Toronto of Bergen County; and John A. Tunney of Middlesex County.

A total of nine (9) attorneys were removed from the OAE supervision list: Susan E. Cardullo of Morris County; Gary T. M. Jodha of Mercer County; James R. Lisa of Hudson County; Joseph A. Maffongelli, Jr. of Essex County; Vincent J. Milita, II of Cape May County; Glen L. Schemanski of Camden County; Daniel M. Shapiro of Bergen County; Raymond N. Torres, Jr. of Essex County and Richard J. Zeitler of Middlesex County.

Monitored Attorneys

<u>Attorney</u>	<u>Admitted</u>	<u>Location</u>	<u>Effective</u>	<u>Condition</u>
Aratow, Henry J.	1993	Morris	11/15/2005	Professionalism Course
Bertoni, Louis B.	1970	Passaic	10/31/2000	Quarterly Reconciliations
Conroy, John S. IV	1980	Burlington	11/01/2005	Quarterly Reconciliations
Forkin, Thomas J.	1995	Atlantic	07/23/2002	Proctorship
Foushee, Jeffrey A.	1988	Essex	08/15/2003	Proctorship
Gross, Howard A.	1992	Camden	01/31/2005	AA & NA Meetings
Hallett, Steve	1991	Mercer	11/01/2002	Drug Testing
Hediger, Daniel D.	1995	Bergen	10/05/2005	Proctorship
Kivler, Russell T.	1973	Mercer	04/29/2005	Professionalism Course
Kress, Richard H.	1979	Union	12/17/2004	Proctorship
Lehman, Marvin	1974	Union	03/08/2005	Monthly Reconciliations
Militano, Thomas F.	1991	Sussex	05/20/2003	Proctorship
Moran, Philip J.	1975	Somerset	02/25/2004	Proctorship
Murray, Diane K.	1980	Hudson	11/29/2005	Proctorship
Nichols, James	1971	Middlesex	02/08/2005	Proctorship
Nielsen, Jeffrey F.	1990	Essex	06/29/2004	Proctorship
Payton, Ben W.	1992	Middlesex	12/26/2002	Proctorship
Regojo, Fernando J.	1981	Hudson	11/14/2001	Quarterly Reconciliations
Rodgers, John F. Jr.	1970	Camden	09/26/2005	Proctorship
Toronto, Philip V.	1982	Bergen	12/06/2005	Quarterly Reconciliations
Tunney, John A.	1988	Middlesex	12/07/2005	Proctorship
Zonies, Daniel B.	1970	Camden	01/14/2003	Quarterly Reconciliations

Figure 5

OFFICE OF ATTORNEY ETHICS
YEARLY DISCIPLINE REPORT
(January 1, 2005 to December 31, 2005)

DISBARMENT (19)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Abraha, Ande R.	1993	Essex	09/12/2005	09/12/2005
Briguglio, Anthony J.	1984	New York	11/29/2005	11/29/2005
Flynn, Colin James	1989	Bergen	05/23/2005	05/23/2005
Handfuss, Robert Joel	1984	Monmouth	05/03/2005	05/03/2005
Harris, E. Lorraine	1994	Gloucester	03/16/2005	03/16/2005
Kolmar, Jay Ronald	1990	Morris	11/01/2005	11/01/2005
Kraft, Warren Randolph	1989	Middletown	12/06/2005	12/06/2005
Larosiliere, Jean D.	1990	Essex	11/01/2005	11/01/2005
Lawrence, Tanya E.	1998	New York	11/01/2005	11/01/2005
Lichtenstein, Jeffrey P.	1980	Middlesex	03/29/2005	03/29/2005
Mc Clure, Larry J.	1971	Sussex	09/28/2005	09/28/2005
Morell, Philip M.	1988	Bergen	07/18/2005	07/18/2005
Nwaka, Anthony C.	1992	Essex	03/29/2005	03/29/2005
Odinkemere, Nkem E.	1993	Essex	01/19/2005	01/19/2005
Pasternak, Steven A.	1982	Essex	02/24/2005	02/24/2005
Poveromo, Joseph E.	1988	Bergen	01/04/2005	01/04/2005
Singer, Mitchell L.	1990	Morris	09/28/2005	09/28/2005
Staropoli, Charles C.	1993	Pennsylvania	12/06/2005	12/06/2005
Zeitler, Richard J.	1966	Middlesex	02/10/2005	02/10/2005

DISBARMENT BY CONSENT (11)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Barry, Joseph M.	1965	Somerset	06/14/2005	06/14/2005
Botchman, Gary Edward	1987	Bergen	03/14/2005	03/14/2005
Chukumba, Stephen	1998	Essex	12/14/2005	12/14/2005
Darnell, Alan M.	1971	Middlesex	09/14/2005	09/14/2005

Figure 6

Dorwani, Hanit	1990	Middlesex	07/13/2005	07/13/2005
Kushner, Charles B.	1980	Essex	03/31/2005	03/31/2005
Meyer, Allen Joseph	1983	Monmouth	01/10/2005	01/10/2005
Mundy, Nicholas H.	1969	Middlesex	07/22/2005	07/22/2005
Parles, Craig Evan	1997	Bergen	06/21/2005	06/21/2005
Perlow, Barry A.	1966	Cumberland	10/17/2005	10/17/2005
Sassano, Michael F.	1977	Bergen	05/10/2005	05/10/2005

SUSPENSION TERM (45)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Battaglia, Philip J. - 3 Mo.	1981	Passaic	03/08/2005	12/18/2003
Bentivegna, Antoinette Marie - 24 Mo.	1989	Pennsylvania	10/18/2005	08/14/2004
Berger, Scott Michael - 12 Mo.	1990	New York	10/18/2005	06/29/2001
Bevacqua, Vincent E. - 36 Mo.	1990	Essex	09/27/2005	12/15/2004
Birman, Volf Zev - 12 Mo.	1998	New York	12/06/2005	05/12/2004
Chasar, Kathleen Scott - 3 Mo.	1996	Mercer	02/24/2005	03/23/2005
Cotz, George J. - 6 Mo.	1974	Bergen	03/22/2005	04/22/2005
De Miro, Michael A. - 18 Mo.	1976	Essex	01/05/2005	06/02/2003
Diamond, Howard S. - 12 Mo.	1985	Morris	10/05/2005	11/01/2005
Dorian, Howard M. - 3 Mo.	1978	Bergen	03/29/2005	04/25/2005
Dorian, Howard M. - 6 Mo.	1978	Bergen	09/07/2005	09/07/2005
Dranov, Alexander B. - 3 Mo.	1986	Bergen	05/11/2005	11/22/2004
Dupre, Barbara H. - 60 Mo.	1980	Atlantic	03/15/2005	03/04/2003
Ellis, Daniel - 3 Mo.	1974	Essex	05/11/2005	05/11/2005
Fisher, Robert Steven - 12 Mo.	1988	Camden	09/07/2005	07/29/2004
Fitchett, Frederick F., III - 3 Mo.	1976	Burlington	07/26/2005	08/22/2005
Gibson, Robert Thomas - 12 Mo.	1996	Pennsylvania	09/07/2005	08/16/2002
Haldusiewicz, Joseph John - 6 Mo.	1983	Hudson	11/01/2005	12/01/2005
Handfuss, Robert Joel - 12 Mo.	1984	Monmouth	01/26/2005	01/26/2005
Johnson, Patricia L. - 6 Mo.	1990	New York	05/03/2005	05/03/2005
Kervick, David L. - 3 Mo.	1975	Union	12/06/2005	05/19/2005
Kozlowski, Theodore F. - 12 Mo.	1978	Morris	05/03/2005	01/01/2005
Lane, Merri R. - 3 Mo.	1982	Camden	04/05/2005	04/05/2005
Lawrence, Herbert F. - 6 Mo.	1970	Monmouth	11/01/2005	12/01/2005

Lloyd, Vincent A. - 36 Mo.	1973	Florida	05/03/2005	02/12/2003
Marra, Allen C. - 36 Mo.	1967	Essex	04/29/2005	04/29/2005
Mc Clure, Larry J. - 12 Mo.	1971	Bergen	01/26/2005	01/26/2005
Mc Keon, John H., Jr. - 3 Mo.	1981	Burlington	10/18/2005	10/18/2005
Negggers, Wendy Ellen - 3 Mo.	1995	Morris	12/06/2005	12/06/2005
Onorevole, Richard M. - 6 Mo.	1983	Morris	10/05/2005	11/01/2005
Richardson, Mary H. - 6 Mo.	1987	Middlesex	07/14/2005	08/10/2005
Rohan, Donald Michael - 3 Mo.	1996	Morris	07/14/2005	08/10/2005
Schlem, Stuart P. - 3 Mo.	1983	Monmouth	10/05/2005	10/05/2005
Scoon, Michael C. - 3 Mo.	1996	Union	06/07/2005	04/23/2004
Silverman, David S. - 12 Mo.	1971	Passaic	09/19/2005	10/21/2005
Supino, Anthony M. - 3 Mo.	1988	Ocean	02/24/2005	03/23/2005
Thomas, Richard R., II- 36 Mo.	1996	Middlesex	05/03/2005	10/29/2004
Truitt, Jeffrey Wayne - 12 Mo.	1997	Essex	03/08/2005	03/08/2005
Tunney, John A. - 6 Mo.	1988	Middlesex	12/06/2005	10/29/2004
Tunney, John A. - 6 Mo.	1988	Middlesex	12/06/2005	12/06/2005
Weiner, A. K. - 6 Mo.	1970	Middlesex	04/29/2005	04/29/2005
Wolfson, David E. - 12 Mo.	1992	Essex	02/24/2005	03/23/2005
Wonski, Louann K. - 3 Mo.	1992	Middlesex	05/11/2005	01/27/2004
Wood, Scott Jeffrey - 3 Mo.	1988	Burlington	07/21/2005	08/15/2005
Yacavino, Vincent M. - 6 Mo.	1964	Morris	07/20/2005	08/15/2005

CENSURE (8)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Allocca, Ralph P.	1984	Morris	12/14/2005	12/14/2005
Aratow, Henry Joseph	1993	Morris	11/15/2005	11/15/2005
Giamanco, Thomas Anthony	1983	Bergen	10/05/2005	10/05/2005
Gottesman, Lee D.	1981	Ocean	11/15/2005	11/15/2005
Neff, H. A.	1967	Ocean	10/18/2005	10/18/2005
Osei, George	1998	Monmouth	10/18/2005	10/18/2005
Sims, Ronald M.	1970	Morris	11/01/2005	11/01/2005
Thomas, Charles R.	1985	Passaic	12/06/2005	12/06/2005

PUBLIC REPRIMAND (34)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Angelucci, John Scott	1992	Gloucester	06/07/2005	06/07/2005
Basaman, Edward Thomas	1991	Hudson	02/24/2005	02/24/2005
Broder, Herbert N.	1972	Essex	05/23/2005	05/23/2005
Coleman, Thomas J., III	1990	Burlington	11/30/2005	11/30/2005
Conlon, James C.	1952	Union	11/07/2005	11/07/2005
Conroy, John S., IV	1980	Burlington	11/01/2005	11/01/2005
Davidson, Marvin S.	1969	Essex	03/08/2005	03/08/2005
Doyle, John P.	1967	Ocean	05/11/2005	05/11/2005
Garbin, Gladys Josephine	1989	Passaic	02/04/2005	02/04/2005
Gensib, Carl David	1990	Middlesex	12/06/2005	12/06/2005
Gourvitz, Elliot H.	1969	Essex	10/18/2005	10/18/2005
Hardt, Frederick W.	1968	Burlington	04/05/2005	04/05/2005
Hoffberg, Barry Alan	1993	New York	09/19/2005	09/19/2005
Hughes, Kieran Patrick	1985	Union	06/07/2005	06/07/2005
Kersey, George E.	1963	Mercer	09/19/2005	09/19/2005
Kivler, Russell T.	1973	Mercer	04/29/2005	04/29/2005
La Rosa, Joseph J.	1993	Burlington	11/01/2005	11/01/2005
Lehman, Marvin	1974	Union	03/08/2005	03/08/2005
Leiner, Robert H.	1994	Burlington	10/18/2005	10/18/2005
Lynch, Gerald M.	1977	Middlesex	04/29/2005	04/29/2005
Moras, Hugo L.	1975	Essex	07/07/2005	07/07/2005
Muller, Steven T.	1971	Bergen	05/23/2005	05/23/2005
Murray, Diane K.	1980	Hudson	11/29/2005	11/29/2005
Nichols, James D.	1971	Middlesex	02/08/2005	02/08/2005
Oxford, Nancy I.	1977	Essex	07/26/2005	07/26/2005
Patel, Chirayu A.	1996	Bergen	03/08/2005	03/08/2005
Poling, Raymond L.	1972	Cape May	05/23/2005	05/23/2005
Regojo, Fernando J.	1981	Hudson	12/06/2005	12/06/2005
Rothman, Harvey H.	1989	Passaic	12/06/2005	12/06/2005
Stoller, David T.	1975	Monmouth	03/22/2005	03/22/2005
Toronto, Philip V.	1982	Bergen	12/06/2005	12/06/2005

Wise, John A.	1983	Essex	10/05/2005	10/05/2005
Wonski, Louann K.	1992	Middlesex	05/11/2005	05/11/2005
Zark, Alan	1976	Hudson	06/07/2005	06/07/2005

ADMONITION (26)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Allen, John Charles	1995	Middlesex	05/23/2005	05/23/2005
Atwell, Anthony R.	1979	Essex	02/22/2005	02/22/2005
Bashir, Muhammad	1987	Union	05/25/2005	05/25/2005
Belgrave, Carl Clairmont	1991	Essex	11/09/2005	11/09/2005
Claps, Roy R.	1973	Morris	05/23/2005	05/23/2005
Coffey, John Francis, II	1987	Hudson	01/21/2005	01/21/2005
Cohan, Richard J.	1974	Essex	04/25/2005	04/25/2005
Davis-Daniels, Kaykay E.	1982	Monmouth	09/22/2005	09/22/2005
Di Martini, Patrick W.	1958	Hudson	02/22/2005	02/22/2005
Fusco, Frank Craig	1995	Passaic	02/22/2005	02/22/2005
Gahles, Kathleen Frances	1982	Somerset	01/26/2005	01/26/2005
Gilman, Cory Jason	1997	Cape May	05/23/2005	05/23/2005
Keeley-Cain, Thomas Martin	1989	Camden	05/26/2005	05/26/2005
Lonstein, Wayne D.	1987	New York	06/17/2005	06/17/2005
Michals, Spiro T.	1991	Monmouth	9/07/2005	09/07/2005
Payton, Queen E.	2001	Union	11/03/2005	11/03/2005
Pelc, Larissa Ann	1996	Essex	07/28/2005	07/28/2005
Pennella, David C.	1976	Morris	05/23/2005	05/23/2005
Podolsky, Steven Vyachesla	1997	New York	09/19/2005	09/19/2005
Ruffin, Fayth A.	1987	Morris	02/22/2005	02/22/2005
Simmons, Anthony J.	1989	Essex	02/23/2005	02/23/2005
Spevack, Ronald W.	1964	Middlesex	05/23/2005	05/23/2005
Spevack, Ronald W.	1964	Middlesex	02/22/2005	02/22/2005
Ventura, Ana Lisa	1998	Hudson	04/29/2005	04/29/2005
Zark, Alan	1976	Hudson	02/18/2005	02/18/2005
Zindler, Michael A.	1965	Mercer	02/24/2005	02/24/2005

DISABILITY INACTIVE (2)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Prado, Rafael A.	1978	Hudson	01/26/2005	01/26/2005
Wonski, Louann K.	1992	Middlesex	05/11/2005	05/11/2005

TOTAL FINAL DISCIPLINE 145

TEMPORARY SUSPENSION (28)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Abrams, Andrew C.	1988	Pennsylvania	10/28/2005	10/28/2005
Bilqiys, Azama Aliya	1983	Somerset	11/01/2005	11/01/2005
Block, Michael Lee	1990	Camden	10/14/2005	10/14/2005
Briguglio, Anthony J.	1984	New York	03/04/2005	03/04/2005
Buonopane, Michael James	1987	Monmouth	06/29/2005	06/29/2005
Chilewich, Daniel Seth	1992	New York	02/16/2005	02/16/2005
Cozzarelli, Frank J.	1977	Essex	01/21/2005	01/21/2005
Daly, Charles B.	1971	Union	02/23/2005	02/23/2005
Dorwani, Hanit	1990	Middlesex	03/31/2005	03/31/2005
Edelson, Gary Louis	1988	Monmouth	11/17/2005	11/17/2005
Felmeister, Robert A.	1978	Mercer	03/14/2005	03/14/2005
Garcia, Rick A.	1986	Passaic	03/08/2005	03/08/2005
Giegerich, Robert A., Jr.	1973	Union	04/05/2005	04/05/2005
Klein, Eric Alan	1987	Bergen	07/27/2005	07/27/2005
Kundrat, George John, Jr.	1982	Union	09/30/2005	09/30/2005
Landfield, Stephen D.	1984	Morris	05/11/2005	05/11/2005
Lee, Chak Y.	1990	Somerset	12/28/2005	12/28/2005
Mitchell, Edward F.	1998	Ocean	09/20/2005	09/20/2005
Olewuenyi, Chris C.	1998	Union	09/30/2005	09/30/2005
Parkin, Harry G.	1972	Mercer	03/22/2005	03/22/2005
Poley, Lawrence I.	1990	Morris	01/26/2005	01/26/2005
Sorkin, Olga	1993	Bergen	11/10/2005	11/10/2005
Stewart, Lynne F.	1975	Hudson	03/23/2005	03/23/2005
Stoller, David T.	1975	Monmouth	11/15/2005	11/15/2005
Struhl, Morton E.	1976	California	08/11/2005	08/11/2005

Thompson, Stephen W.	1975	Cape May	11/07/2005	11/07/2005
Williams, Avis Cole	1987	Atlantic	06/10/2005	06/10/2005
Zander, Ben J.	1982	Union	09/30/2005	09/30/2005

TEMPORARY LICENSE RESTRICTION (2)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Hediger, Daniel David	1995	Bergen	10/05/2005	10/05/2005
Stein, Jaffa F.	1983	Camden	12/13/2005	12/13/2005

TEMPORARY DISABILITY INACTIVE (3)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Darnell, Alan M.	1971	Middlesex	01/10/2005	01/10/2005
Lance, Marilyn S.	1971	Mercer	09/07/2005	09/07/2005
Mc Bride, Bernard J., Jr.	1990	Gloucester	09/21/2005	09/21/2005

TOTAL TEMPORARY DISCIPLINE..... 33

REINSTATEMENTS (18)

<u>ATTORNEY</u>	<u>SUSPENDED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Block, Michael Lee	10/14/2005	Camden	11/02/2005	11/02/2005
Chasar, Kathleen Scott	03/23/2005	Mercer	06/23/2005	06/23/2005
Cotz, George J.	04/22/2005	Bergen	11/23/2005	11/23/2005
De Miro, Michael A.	06/02/2003	Essex	02/23/2005	02/23/2005
Dranov, Alexander B.	11/22/2004	Bergen	08/19/2005	08/19/2005
Dykstra, Paul A.	11/01/2004	Bergen	02/23/2005	02/23/2005
Evans, John Alfred	02/23/2005	Camden	02/23/2005	02/23/2005
Glynn, Kenneth P.	07/12/2004	Hunterdon	11/23/2005	11/23/2005
Gross, Howard Aaron	06/01/2004	Camden	01/31/2005	01/31/2005
Kirnan, Matthew James	06/03/2003	Essex	06/06/2005	06/06/2005
Levande, Eric M.	08/03/2005	Florida	08/03/2005	08/03/2005
Lowell, Melinda C.	05/30/2002	Bergen	12/20/2005	12/20/2005
Mc Manus, William E., II	12/10/2002	Sussex	11/23/2005	11/23/2005
Noce, Philip S.	07/24/2002	Bergen	11/18/2005	11/18/2005
Rodgers, John F., Jr.	10/04/2003	Camden	09/26/2005	09/26/2005

Tunney, John A.	10/29/2004	Middlesex	12/07/2005	12/07/2005
Valentino, Philip A.	04/01/1997	Pennsylvania	08/03/2005	08/03/2005
Williams, Avis Cole	06/10/2005	Atlantic	07/12/2005	07/12/2005

TOTAL REINSTATEMENTS 18

STATISTICAL SUMMARY OF DISCIPLINE IMPOSED

ALL FINAL DISCIPLINE 145

ALL TEMPORARY DISCIPLINE 33

ALL REINSTATEMENTS 18

Ande R. Abraha – Disbarred on September 12, 2005 on a certified record (*185 N.J. 128*) for knowingly misappropriating over \$6,000 of client trust funds given to him in connection with a real estate transaction. The respondent commingled trust funds in his personal checking account and then invaded them by issuing personal checks, debit card purchases and ATM withdrawals for his own private purposes. Thomas D. Carver, Jr. appeared before the DRB for the OAE and respondent failed to appear.

John Charles Allen – Admonished on May 23, 2005 (Unreported) for grossly neglecting a real estate foreclosure matter, resulting in dismissal of the case. Richard Galex appeared before the DRB for District VIII and respondent appeared pro se.

Ralph P. Allocca – Censured on December 14, 2005 (*185 N.J. 404*) for failing to advise the sellers' attorney that his clients did not bring sufficient funds to closing to allow him to pay off the mortgage as required. As a result of respondent's misconduct, a foreclosure action that had been stayed was reinstated. Respondent also made a material misrepresentation to a disciplinary investigator during the course of this matter. George D. Schonwald appeared before the DRB for District X and respondent appeared pro se.

John S. Angelucci – Reprimanded on June 7, 2005 (*183 N.J. 472*) for being convicted of obstructing the administration of law or other governmental function, in violation of N.J.S.A. 2C:29-1(a), a disorderly persons offense, which essentially involved respondent's resisting arrest. Richard J. Engelhardt appeared before the DRB for the OAE and respondent failed to appear.

Henry J. Aratow – Censured on a certified record on November 15, 2005 (*185 N.J. 319*) for grossly neglecting a client matter, misrepresenting to the client that a complaint had been served and failing to cooperate with disciplinary authorities during the investigation and processing of this matter. Kurt W. Krauss appeared before the DRB for District X and respondent failed to appear.

Anthony R. Atwell – Admonished on February 22, 2005 (Unreported) for failing to communicate with an estate client by repeatedly canceling scheduled appointments because the respondent had lost the estate file. He also delayed for 2 ½ years reconstructing the file, thus engaging in a lack of diligent conduct. Thomas P. Scrivo appeared before the DRB for District VB and Peter Ventrice represented the respondent.

Joseph M. Barry – Disbarred by consent on June 14, 2005 (*183 N.J. 553*) as a result of a guilty plea in the United States District Court for the District of New Jersey to four counts of making cash payments to reward a government official, in violation of 18 U.S.C.A. § 666(a)(2) and 2. Richard J. Engelhardt represented the OAE before the DRB and James Plaisted represented the respondent. The respondent was previously disciplined: Temporarily suspended on September 7, 2004.

Edward T. Basaman – Reprimanded on February 24, 2005 (*182 N.J. 460*) for failing to act diligently in connection with two client matters and failing to cooperate with the district ethics committee. Suzanne M. Jorgensen appeared before the DRB for District IIIA and respondent failed to appear. The respondent was previously disciplined: Suspended for three months in 2003.

Muhammad Bashir – Admonished on May 25, 2005 (Unreported) for failing to comply with court deadlines in five separate criminal representations, resulting in orders of sanction against the respondent, which sanctions he failed to timely pay. Christopher M. Farella appeared before the DRB for District VA and Alan Dexter Bowman represented the respondent. The respondent was previously disciplined: Reprimanded in 1996.

Philip J. Battaglia – Suspended for three months effective December 18, 2003 (*182 N.J. 590*) for failing to file a compliance affidavit showing that he notified courts, clients and adversaries of a previous suspension. Nitza I. Blasini appeared before the DRB for the OAE and Frederick J. Dennehy represented the respondent. The respondent was previously disciplined: Suspended for three months in 1995; temporarily suspended in 2002; and suspended for three months in 2004.

Carl C. Belgrave – Admonished on November 9, 2005 (Unreported) for failing to state in writing the basis of his legal fee in a real estate matter and failing to maintain proper cash receipts and cash disbursement journals as required by recordkeeping rule 1:21-6. Walton W. Kingsbery III appeared before the DRB for the OAE and respondent appeared pro se.

Antoinette M. J. Bentivegna – Suspended for two years effective August 14, 2004 (*185 N.J. 244*) as a result of her suspension for a like period in the Commonwealth of Pennsylvania. Respondent's conduct also included charging excessive

fees, making a false statement of material fact or law to a tribunal and conduct involving dishonesty, fraud, deceit or misrepresentation and conduct prejudicial to the administration of justice. Richard J. Engelhardt appeared before the DRB for the OAE and respondent failed to appear.

Scott M. Berger – Suspended for one year effective June 29, 2001 (*185 N.J. 269*) as a result of a three-year suspension in the State of New York for hiring and paying runners over \$42,000 and then filing 350 false and misleading retainer statements with the Office of Court Administration in the State of New York in order to conceal his misconduct in using runners. The New Jersey Court made the one-year suspension retroactive to the date of respondent's suspension in the State of New York. Richard J. Engelhardt appeared before the DRB for the OAE and respondent waived appearance.

Vincent E. Bevacqua – Suspended for 3 years effective December 15, 2004 (*185 N.J. 161*) for using a stolen credit card to attempt to purchase merchandise at a K-Mart store under an assumed name. At the time of his arrest, the respondent also possessed an additional five fraudulent credit cards and a wallet with a phony driver's license bearing his picture. Walton W. Kingsbery III appeared before the Supreme Court for the OAE and Thomas R. Ashley represented the respondent. The respondent was previously disciplined: Reprimanded in 2002 and suspended for six months in 2004.

Volf Zev Birman – Suspended for one year effective May 12, 2004 (*185 N.J. 342*) based upon respondent's suspension in the State of New York for a period of one year after he pled guilty in the New York Supreme Court, Queens County, to a misdemeanor charge of violating New York Judiciary Law §482. Respondent admitted that he employed an individual for the purpose of soliciting cases, but denied that he compensated that person for doing so. Richard J. Engelhardt appeared before the DRB for the OAE and respondent waived appearance.

Gary E. Botchman – Disbarred by consent on March 14, 2005 (*182 N.J. 593*) for pleading guilty in the United States District Court for the Eastern District of New York to a one-count Information charging conspiracy to commit bank fraud in violation of 18 U.S.C.A. § 371.

Anthony J. Briguglio – Disbarred on November 29, 2005 (*185 N.J. 335*) based upon his disbarment in the State of New York after pleading guilty in the Supreme Court of New York, County of Westchester, to an Information charging him with engaging in a scheme to defraud in the first degree, a violation of *New York Penal Law §190.65*. In the respondent's plea he admitted that, over a three year period after his disbarment in New York, he continued to solicit new business, collected legal fees, and made court appearances on behalf of clients in 35 different legal matters. Richard J. Engelhardt appeared before the Supreme Court for the OAE and respondent failed to appear.

H. Neil Broder – Reprimanded on May 23, 2005 (*184 N.J. 295*) for negligently misappropriating client trust funds at a real estate closing by drawing on a regular business account check given him by his clients' business. Respondent also failed to maintain appropriate trust and business account records as required by R.1:21-6. John J. Janasie appeared before the DRB for the OAE and Kevin H. Michels represented the respondent. This case was discovered solely by the Trust Overdraft Notification Program.

Kathleen Scott Chasar – Suspended for three months effective March 23, 2005 (*182 N.J. 459*) for filing a false certification with the court in her own personal divorce case in an attempt to mislead the court. Samuel M. Gaylord appeared before the DRB for District VII and respondent appeared pro se.

Stephen Chukumba – Disbarred by consent on December 14, 2005 (*185 N.J. 403*) when he admitted that he could not successfully defend pending disciplinary charges alleging the knowing misappropriation of clients' trust funds. Walton W. Kingsbery III represented the OAE before the Supreme Court and Leon Grauer represented the respondent.

Roy R. Claps – Admonished on May 23, 2005 (Unreported) for negligently misappropriating clients' trust funds over a period of years that was initially caused by a bank error. The law firm's failure to properly reconcile delayed the detection of this problem. Nitza I. Blasini 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.

John F. Coffey, II – Admonished on January 21, 2005 (Unreported) for lack of diligence and failure to communicate with a client in a bankruptcy matter. Lawrence E. Sindoni appeared before the DRB for District VI. Respondent appeared pro se.

Richard J. Cohan - Admonished on April 25, 2005 (Unreported) for negligently misappropriating clients' trust funds and failing to maintain proper trust account records in accordance with R.1:21-6. Michael J. Sweeney appeared before the DRB for the OAE and Raymond S. Londa represented the respondent. This case was discovered solely by the Trust Overdraft Notification Program.

Thomas J. Coleman, III – Reprimanded on November 30, 2005 (*185 N.J. 280*) as a result of his suspension in the Commonwealth of Pennsylvania for, among other things, signing hundreds of pleadings as an attorney of record when he was not licensed to do so and receiving more than \$7,000 for these services. The respondent was ineligible to practice law in Pennsylvania for a period of nine years. Richard J. Engelhardt appeared before the Supreme Court for the OAE and John D. Borbi represented the respondent.

James C. Conlon – Reprimanded on November 7, 2005 (*185 N.J. 283*) for preparing a will for an elderly and infirm client with little family in which the respondent and his wife received all but \$45,000 of a \$410,000 estate. Bill R. Fenstemaker appeared before the DRB for District XII and James J. Byrnes represented the respondent.

John S. Conroy, IV – Reprimanded on November 1, 2005 (*185 N.J. 277*) for negligently misappropriating \$2,800 from his trust account caused by his failing to maintain trust account records in accordance with R.1:21-6. Melissa A. Czartoryski appeared before the DRB for the OAE and respondent waived appearance. This matter was discovered solely as a result of the Random Audit Compliance Program.

George J. Cotz – Suspended for six months effective April 22, 2005 (*185 N.J. 330*) for negligently misappropriating clients' trust funds, borrowing funds from several clients without complying with the requirements of RPC 1.8(a) and failing to maintain proper trust and business account records. Lee A. Gronikowski appeared before the DRB for the OAE and Kim D. Ringler represented the respondent. This case was discovered solely by the Trust Overdraft Notification Program.

Alan M. Darnell – Disbarred by consent on September 14, 2005 (*185 N.J. 129*) based upon the knowing misappropriation of client and law firm funds by charging certain personal expenses to the law firm. Michael J. Sweeney represented the OAE and Robert A. Weir, Jr. represented the respondent.

Marvin S. Davidson - Reprimanded on March 8, 2005 (*182 N.J. 587*) for negligently misappropriating client trust funds totaling more than \$28,000 and failing to reconcile his attorney trust account, as required by R.1:21-6. Michael J. Sweeney appeared before the DRB for the OAE and respondent appeared pro se. This case was discovered solely by the Random Audit Program.

KayKay E. Davis-Daniels – Admonished on September 22, 2005 (Unreported) for conduct prejudicial to the administration of justice when, as personal representative in an estate matter in South Carolina, she failed to respond to many deadlines set by the court for filing an inventory and failed to appear or explain her non-appearance to the court in a scheduled hearing to explain why she had not performed her duties. Julia D. Drescher appeared before the DRB for District IX and Kevin E. Daniels represented the respondent.

Michael A. DeMiro – Suspended for 18 months effective June 2, 2003 (*182 N.J. 248*) for pleading guilty in the United States District Court for the District of New Jersey to a one-count Information charging conspiracy to obstruct justice, in violation of 18 U.S.C.A. § 371. He was temporarily suspended on June 2, 2003 (*176 N.J. 417*). Richard J. Engelhardt appeared before the DRB for the OAE and Robert L. Galantucci appeared for respondent.

Howard S. Diamond – Suspended for one year effective November 1, 2005 (*185 N.J. 171*) for closing his office and failing to notify one client that he had done so, essentially abandoning the client; he also failed to advise the client that her lawsuit had been dismissed with prejudice. In a second case, respondent failed to act diligently and never resolved a client's automobile accident. He also failed to cooperate with disciplinary authorities during the investigation and processing of the matter. Sheldon Simon appeared before the DRB for District X and Albert B. Jeffers, Jr. represented the respondent. The respondent was previously disciplined: Admonished and reprimanded, both in 2002.

Patrick DiMartini – Admonished on February 22, 2005 (Unreported) for failing to insure that an \$8,500 check given to him by his clients as down payment on real estate was promptly deposited in his trust account soon after its delivery. The check was then taken from respondent's office and illegally cashed by a third person. Respondent's actions constituted a

failure to safeguard clients' funds. Margaret M. Marley appeared before the DRB for District VI and Jorge L. Aviles represented the respondent. The respondent was previously disciplined: Suspended for three months in 1999.

Howard M. Dorian– Suspended for three months on a certified record effective April 25, 2005 (*183 N.J. 33*) for grossly neglecting a personal injury action, failing to communicate with his client and failing to cooperate with disciplinary authorities. Richard G. Potter appeared before the DRB for District IIB and respondent failed to appear. The respondent was previously disciplined: Admonition in 1995; two reprimands in 2001 and 2003.

Howard M. Dorian – Suspended for six months on September 7, 2005 on a certified record (*185 N.J. 236*) for grossly neglecting defense of a lawsuit, allowing entry of a default, failing to vacate the default, and failing to file a counterclaim advancing the client's affirmative claim for damages. The respondent also settled the litigation from his own funds without informing the client or obtaining the client's consent, which constituted a misrepresentation. Richard G. Potter represented District IIB before the DRB and respondent failed to appear. The respondent was previously disciplined: Admonished in 1995; reprimanded in 2001 and 2003; and suspended for three months in 2005.

Hanit Dorwani – Disbarred by consent on July 13, 2005 (*185 N.J. 236*) for pleading guilty in the Superior Court of New Jersey, Middlesex County, to Indictment No. 04-01-00119, each count charging second degree official misconduct, in violation of N.J.S.A. 2C:30-2. Richard J. Engelhardt represented the OAE and Thomas J. Buck represented the respondent. The respondent was previously disciplined: Temporarily suspended on March 31, 2005.

John P. Doyle – Reprimanded on May 11, 2005 (*183 N.J. 233*) for engaging in a conflict of interest by representing ARC Properties, Inc. before the Lakewood Township Committee, while ARC had matters pending in Brick Township, where respondent was the attorney for the planning board. Michael J. Sweeney appeared before the Disciplinary Review Board for the OAE and Kevin H. Michels appeared for the respondent. The respondent was previously disciplined: Privately reprimanded in 1985 and suspended for six months in 1996.

Alexander B. Dranov – Suspended for three months effective November 22, 2004 (*183 N.J. 232*) for commingling personal and client funds, negligent misappropriation of client funds and failure to maintain appropriate trust account records, including failing to perform quarterly reconciliations. Janice L. Richter appeared before the Disciplinary Review Board for the OAE and Robert E. Margulies appeared for the respondent. The respondent was previously disciplined: Suspended for six months in 2004.

Barbara G. Dupré– Suspended for five years effective March 4, 2003 on a certified record (*183 N.J. 2*) for practicing law while previously suspended from practice, failing to comply with the notification requirements of R.1:20-20 applicable to suspended attorneys, grossly neglecting an appeal of a child support order, making misrepresentations to her client and allowing the appeal to be dismissed. Walton W. Kingsbery III appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Temporarily suspended in 2003; suspended for three months in 2004.

Daniel Ellis – Suspended for three months on a certified record on May 11, 2005 (*183 N.J. 227*) for failing to act diligently in a real estate transaction by not discharging the seller's mortgage of record for one year after the closing, failing to communicate with the client, and failing to cooperate with disciplinary authorities. Harrison J. Gordon appeared before the Disciplinary Review Board for District VC and respondent failed to appear. The respondent was previously disciplined: Reprimanded in 1999; reprimanded in 2000; temporary suspension in 2003.

Robert S. Fisher– Suspended for one year effective July 29, 2004, the effective date of his one year and one day Pennsylvania suspension from practice, (*185 N.J. 238*) for his criminal conviction in the Commonwealth of Pennsylvania of one count of insurance fraud, a violation of 18 Pa.C.S.A. §4117, one count of forgery, a violation of 18 Pa.C.S.A. §4101, and one count of criminal conspiracy, a violation of 18 Pa.C.S.A. §903, all third-degree felonies. The basis for respondent's conviction involved submitting a phony receipt to an insurance company for the purpose of obtaining insurance proceeds for his girlfriend, whose computer had been stolen. He then filed a complaint against the insurance company based on the same claim. The criminal proceedings leading to conviction and post-conviction appeals consumed nearly ten years. Richard J. Engelhardt appeared before the DRB for the OAE and respondent failed to appear. The respondent was previously disciplined: Suspended three months in 2004.

Frederick Fitchett III – Suspended for three months effective August 22, 2005 (*184 N.J. 289*) for engaging in a conflict of interest by continuing to represent a public entity after switching law firms and becoming associated with another party

in the same litigation. Melissa Czartoryski appeared before the Supreme Court for the OAE and respondent appeared pro se. Respondent was previously disciplined: Reprimanded in 1999.

Colin J. Flynn - Disbarred on a certified record on May 23, 2005 (*184 N.J. 295*) for knowingly misappropriating clients' trust funds in a series of five client matters. Lee A. Gronikowski appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Temporarily suspended in 2003.

Frank Fusco - Admonished on February 22, 2005 (Unreported) for engaging in a conflict of interest by representing both the buyer and seller in a real estate transaction without obtaining their consent. The respondent also threatened to file a civil suit against one of the clients who threatened to report him to disciplinary authorities. Jeffrey L. Clutterbuck appeared before the DRB for District IIA and respondent appeared pro se.

Kathleen F. Gahles – Admonished on January 26, 2005 (Unreported) for failing to treat with courtesy and consideration all persons involved in the legal process when, during oral argument in a matrimonial motion, she made degrading statements about an opposing party – her client's wife – with no substantial purpose other than to embarrass the wife. The respondent was previously reprimanded in 1999. Lawrence M. Maron appeared before the DRB for District XI and respondent appeared pro se.

Gladys J.M. Garbin – Reprimanded on February 4, 2005 (*182 N.J. 432*) for grossly neglecting a motion to enforce litigant's rights in a divorce action, resulting in harm to the client, failing to communicate and failing to promptly return the file to the client. Maria J. LaSala appeared before the DRB for District XI and respondent appeared pro se. The respondent was previously disciplined by admonition in 2004.

Carl D. Gensib – Reprimanded on December 6, 2005 (*185 N.J. 345*) for improperly acknowledging the signatures of his clients on several documents in connection with a real estate closing when, in fact, they did not appear before him. Additionally, the respondent was aware that the husband had signed the wife's name to the documents. William G. Brigiani appeared before the DRB for District VIII and Robert Zullo, Jr. appeared for the respondent.

Thomas A. Giamanco – Censured on October 5, 2005 (*185 N.J. 174*) for failing to file a bankruptcy petition until 15 months after he had been retained, failing to withdraw from representation after he was discharged by the client and, when sued by the client, engaging in threats and intimidation in order to have the client discontinue the lawsuit. Ellen K. Bromsen appeared before the DRB for District IIA and Catherine M. Elston represented the respondent. The respondent was previously disciplined: Reprimanded in 1999.

Robert T. Gibson – Suspended for one year effective August 16, 2002, the date of his temporary suspension, (*185 N.J. 235*) for his conviction in the Commonwealth of Pennsylvania of aggravated assault, simple assault and aggravated harassment of a police officer, as well as the summary offenses of disorderly conduct and public drunkenness. Richard J. Engelhardt appeared before the DRB for the OAE and respondent appeared pro se.

Cory J. Gilman - Admonished on May 23, 2005 (*184 N.J. 298*) for engaging in a conflict of interest when, as an associate, respondent prepared real estate contracts for the buyers in ten real estate transactions which included a provision that the buyers agreed to use a title company in which a partner of respondent's law firm had an interest. Walton W. Kingsbery III appeared before the DRB for the OAE and Katherine Hartman represented the respondent.

Lee D. Gottesman – Censured on November 15, 2005 on a certified record (*185 N.J. 318*) for failing to act diligently and to communicate with a client, misrepresentations to the client and failing to cooperate with disciplinary authorities during the investigation and processing of the matter. Joseph D. Grisanti appeared before the DRB for District IIIA and respondent failed to appear.

Elliot H. Gourvitz – Reprimanded on October 18, 2005 (*185 N.J. 243*) for engaging in conduct prejudicial to the administration of justice by repeatedly disregarding several court orders requiring him to satisfy his financial obligations to his former secretary, an elderly cancer survivor, who sued him successfully for employment discrimination when he refused to allow her to return to work after she had recovered from cancer surgery that disfigured her face. Robert J. Logan appeared before the DRB for District XII and respondent appeared pro se.

Joseph J. Haldusiewicz – Suspended for six months effective December 1, 2005 (*185 N.J. 278*) as a result of a guilty plea in the Superior Court of New Jersey, Essex County, to a one-count accusation charging him with the fourth degree crime of

endangering the welfare of a child (possession of child pornography), in violation of N.J.S.A. 2C:24-4(b)(5)(b). The respondent's actions occurred while he was serving as a deputy attorney general in the Department of Law and Public Safety. Richard J. Engelhardt appeared before the Supreme Court for the OAE and respondent appeared pro se.

Robert J. Handfuss – Suspended for one year on a certified record on January 26, 2005 (*182 N.J. 309*) for failing to return escrow funds to the sellers of real estate after they paid the bill and submitted proof to him. Respondent also failed to cooperate with the disciplinary system during the investigation and processing of the matter. Regina D. Aifer represented District IX before the DRB and respondent failed to appear.

Robert J. Handfuss – Disbarred on May 3, 2005 (*183 N.J. 221*) for grossly neglecting 17 separate client real estate transactions, failing to pay for title insurance in three cases and, in accordance with *In re Kantor*, 180 N.J. 226 (2004), exhibiting disrespect for the disciplinary system in failing to cooperate during the investigation and processing of this matter. Richard J. Engelhardt appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Reprimanded in 2000; suspended for three months in 2001; reprimanded in 2002 and suspended for one year in 2005.

Frederick W. Hardt – Reprimanded on April 5, 2005 (*183 N.J. 132*) for engaging in a conflict of interest by simultaneously representing a private client before both the zoning board and the planning board in Pemberton Township, while at the same time representing the township itself as special counsel in connection with condemnation litigation. Carl N. Tripician appeared before the DRB for District I and Jeffrey I. Baron appeared for the respondent. The respondent was previously disciplined: Reprimanded in 1977.

E. Lorraine Harris – Disbarred on March 16, 2005 (*182 N.J. 594*) for being a “persistent violator” and committing ethical violations in 11 separate matters, including lack of diligence, dishonest conduct, conduct prejudicial to the administration of justice, knowingly disobeying the rules of a tribunal, using a misleading professional designation, failing to comply with R.1:20-20 as a suspended attorney, failing to safekeep property and instituting frivolous litigation. Walton W. Kingsbery III appeared before the Supreme Court for the OAE and Angelo J. Falciani represented the respondent. The respondent was previously disciplined: Temporary suspension in 1999; temporary suspension and admonition in 2000; suspension for six months and suspension for three months in 2001.

Barry A. Hoffberg – Reprimanded on September 19, 2005 (*185 N.J. 131*) for negligently misappropriating clients' trust funds, grossly neglecting a client matter and practicing law while ineligible for failure to pay the annual attorney registration assessment. Lee A. Gronikowski appeared before the DRB for the OAE and respondent appeared pro se.

Kieran P. Hughes – Reprimanded on June 7, 2005 (*183 N.J. 473*) for, in three matters, exhibiting a lack of diligence, failing to communicate with clients and failing to protect clients' interests on termination of the representation. Additionally, in one case, the respondent abandoned his client. Kenneth B. Rotter appeared before the DRB for District XII and respondent failed to appear.

Patricia L. Johnson – Suspended for six months on a certified record on May 3, 2005 (*183 N.J. 222*) for grossly neglecting a criminal matter, failing to communicate with the clients, and failing to cooperate with disciplinary authorities during the investigation and processing of this matter. Walton W. Kingsbery III appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Temporarily suspended in 2004.

Thomas M. Keeley-Cain – Admonished on May 26, 2005 (Unreported) for grossly neglecting a litigated matter by allowing a pleading to be dismissed without advising the client that its answer was subject to dismissal and by failing to file an answer on behalf of a co-defendant, which resulted in the entry of a default. Pamela Adriano Moy appeared before the DRB for District IIIB and Teri S. Lodge represented the respondent.

George E. Kersey – Reprimanded on September 19, 2005 (*185 N.J. 130*) following his disbarment in the State of New Hampshire for having violated RPC 3.4(c) by disobeying an obligation under the rules of a tribunal and practicing law while suspended in that state. The New Jersey Supreme Court held that a reprimand was the appropriate discipline in New Jersey. Richard J. Engelhardt appeared before the DRB for the OAE and respondent appeared pro se. The respondent was previously disciplined: Reprimanded in 2002.

David L. Kervick – Suspended for three months effective May 19, 2005 (*185 N.J. 343*) as a result of a guilty plea in the Superior Court of New Jersey to the disorderly persons offense of loitering with intent to obtain a controlled dangerous

substance, in violation of N.J.S.A. 2C:33-2.1. Richard J. Engelhardt appeared before the DRB for the OAE and Richard S. Lehrich appeared for the respondent. The respondent had been previously disciplined: Suspended for three months in 2002.

Russell T. Kivler – Reprimanded on April 29, 2005 (*183 N.J. 220*) for grossly neglecting two of three matters entrusted to him by his clients, failing to communicate with the clients and failing to supervise a junior attorney who was assigned to the matters. Bruce Willard Clark appeared before the DRB for District XIII and respondent appeared pro se.

Jay R. Kolmar – Disbarred on November 1, 2005 (*185 N.J. 273*) based upon his disbarment in the State of New York for knowingly misappropriating a total of over \$161,000 from his law firm's petty cash account and then misrepresenting that the funds would be used for real estate transactions. Richard J. Engelhardt appeared before the Supreme Court for the OAE and respondent waived appearance.

Theodore F. Kozlowski – Suspended for one year on a certified record effective January 1, 2005 (*183 N.J. 224*) for failing to act diligently in a bankruptcy matter by taking no action at all for over a year and then misrepresenting to the clients the status of the matter. Respondent also failed to cooperate with disciplinary authorities during the investigation and processing of this matter. John McGill III appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Privately reprimanded in 1992; admonished in 1998; reprimanded in 2003; reprimanded in 2004 and suspended for three months in 2004.

Warren R. Kraft – Disbarred on December 6, 2005 (*185 N.J. 341*) for knowingly misappropriating clients' trust funds. John McGill, III appeared before the Supreme Court for the OAE and Michael P. Ambrosio represented the respondent. The respondent was previously disciplined: Temporarily suspended in 1999; admonished in 2001, reprimanded in 2001 and again admonished in 2001.

Charles B. Kushner – Disbarred by consent on March 31, 2005 (*183 N.J. 130*) for pleading guilty in the United States District Court for the District of New Jersey to 16 counts of assisting in the preparation of fraudulent partnership returns, in violation of 26 U.S.C.A. §7206(2), one count of witness retaliation, in violation of 18 U.S.C.A. §1513(e) and (2) and one count of making false statements to the Federal Election Commission, in violation of 18 U.S.C.A. §1001 and 2. Richard J. Engelhardt represented the OAE and Murray J. Laulich represented the respondent. The respondent was previously disciplined: Temporarily suspended in 2004.

Merri R. Lane – Suspended for three months on April 5, 2005 on a certified record (*183 N.J. 209*) for grossly neglecting a client's matter, failing to communicate with the client, misrepresenting the status of the case to the client, improperly using a signature stamp on a trust account check and failing to cooperate with disciplinary authorities during the investigation of the matter. Walton W. Kingsbery III appeared before the DRB for the OAE and respondent failed to appear. The respondent was previously disciplined: Reprimanded in 1996.

Joseph J. LaRosa – Reprimanded on November 1, 2005 (*185 N.J. 275*) for charging excessive fees in nine personal injury matters. Michael S. Rothmel, Michael Taylor and Michael A. Bonamassa appeared before the DRB for District IIIB and Joel B. Korin represented the respondent. The respondent was previously disciplined: Admonished in 2003.

Jean D. Larosiliere – Disbarred on November 1, 2005 on a certified record (*185 N.J. 279*) for knowingly misappropriating clients' trust funds and abandoning his law practice. John McGill III appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Temporarily suspended in 2002 and admonished in 2003.

Herbert F. Lawrence – Suspended for six months effective December 1, 2005 (*185 N.J. 272*) for, in his own bankruptcy and matrimonial proceeding, engaged in numerous instances of fraud, misrepresentation and conduct prejudicial to the administration of justice by concealing assets from his wife and from the courts. John McGill III appeared before the DRB for the OAE and John T. Mullaney, Jr. represented the respondent. The respondent was previously disciplined: Privately reprimanded in 1985.

Tanya E. Lawrence – Disbarred on November 1, 2005 (*185 N.J. 282*) for knowingly misappropriating over \$5,000 in personal injury settlements from clients. Janice L. Richter appeared before the Supreme Court for the OAE and respondent appeared pro se. The respondent was previously disciplined: Suspended for three months in 2002 and admonished in 2003.

Marvin Lehman - Reprimanded on March 8, 2005 (*182 N.J. 589*) for negligently misappropriating client trust funds, failing to maintain records required by R.1:21-6 and commingling personal and client funds in his trust account and paying business and personal expenses from that same account. John McGill III appeared before the DRB for the OAE and Raymond S. Londa represented the respondent. This case was discovered solely by the Trust Overdraft Notification Program

Robert H. Leiner – Reprimanded on October 18, 2005 (*185 N.J. 246*) for grossly neglecting a matrimonial matter and making numerous misrepresentations to the client that the matter was “scheduled for court” when, in fact, it was not, and for delivering to the client a \$68,000 trust account check, ultimately confessing to her that the case did not settle and, in fact, he had never filed any application with the court on her behalf. Michael J. Sweeney appeared before the DRB for the OAE and respondent waived appearance. The respondent was previously disciplined: Temporarily suspended in 2005.

Jeffrey P. Lichtenstein – Disbarred on March 29, 2005 (*183 N.J. 206*) for his guilty plea in the Superior Court of New Jersey, Middlesex County, to theft by deception (N.J.S.A. 2C:20-4) and his admission that he knowingly misappropriated clients’ trust funds in the amount of approximately \$27,000. Richard J. Engelhardt appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Temporarily suspended in 2004.

Vincent A. Lloyd – Suspended for three years effective February 12, 2003 (*183 N.J. 228*) based upon respondent’s plea of nolo contendere in the State of Florida to two counts of purchasing cocaine, Fla. Stat. §893.13(2)(a), a second degree felony; one count of use or possession of drug paraphernalia, Fla. Stat. §893.147(1), a first degree misdemeanor; four counts of contributing to the delinquency or dependency of a child, Fla. Stat. §827.04(1), a first degree misdemeanor; and one count of driving under the influence (“DUI”), Fla. Stat. §316.193(1), a misdemeanor. The Court further ruled that respondent would not be eligible for reinstatement in New Jersey until reinstated in Florida, where he also received a three-year suspension. Richard J. Engelhardt appeared before the Supreme Court for the OAE and Kim D. Ringler represented respondent.

Wayne D. Lonstein – Admonished on June 17, 2005 (Unreported) for failing to maintain a bona fide law office in the State of New Jersey as of May 2003. Timothy J. Little appeared before the DRB for District VIII and Michael Boldt represented the respondent.

Gerald M. Lynch – Reprimanded on a certified record on April 29, 2005 (*183 N.J. 260*) for failing to cooperate with disciplinary authorities during the investigation and processing of a grievance. Richard Galex appeared before the DRB for District VIII and respondent failed to appear. The respondent was previously disciplined: Admonished in 1999; temporarily suspended in 2003.

Allen C. Marra – Suspended for three years on April 29, 2005 (*183 N.J. 260*) for unethically engaging in the practice of law on three occasions after he was previously suspended from the practice of law. Additionally, the respondent filed an affidavit with the Supreme Court falsely stating that, during this prior period, he had refrained from the practice of law in any form. John McGill III appeared before the Supreme Court for the OAE and respondent appeared pro se. The respondent was previously disciplined: Privately reprimanded in 1992; suspended for three months in 1997; suspended for six months in 2002; suspended for three months in 2002 and suspended for one year in 2002.

Larry J. McClure – Suspended for one year on a certified record on January 26, 2005 (*182 N.J. 312*) for failing to comply with R.1:20-20 requiring, among other things, notice to clients, courts and adversaries of his prior suspension from practice and for failing to cooperate with disciplinary authorities. Respondent was previously disciplined: Admonition in 1999; Six-Month Suspension in 2003; and Six-Month Suspension in 2004. Michael J. Sweeney represented the OAE before the DRB and respondent failed to appear.

Larry J. McClure – Disbarred on September 28, 2005 on a certified record (*185 N.J. 167*) for knowingly misappropriating clients’ trust funds, practicing law while suspended, making false statements of material fact to a disciplinary authority, failing to cooperate with a disciplinary authority and committing a criminal act. Michael J. Sweeney appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Admonished in 1999; suspended for six months in 2003; suspended for six months in 2004; suspended for one year in 2005.

John H. McKeon, Jr. – Suspended for three months on October 18, 2005 (*185 N.J. 247*) as a result of respondent’s guilty plea to the third-degree offense of possession of cocaine, a violation of N.J.S.A. 2C:35-10a(1). Richard J. Engelhardt appeared before the DRB for the OAE and Katherine D. Hartman represented the respondent.

Allen J. Meyer – Disbarred by consent on January 10, 2005 (*182 N.J. 209*) after pleading guilty to an Information filed in the United States District Court for the District of New Jersey charging him with conspiracy to make false statements, in violation of 18 U.S.C.A. § 371. He was temporarily suspended on December 23, 2003 (*178 N.J. 256*). Richard J. Engelhardt represented the OAE and John J. Flynn consulted with the respondent.

Spiro T. Michals – Admonished on September 7, 2005 (*185 N.J. 126*) for negligently misappropriating client trust funds, commingling personal and client funds and failing to maintain records as required by R.1:21-6. Michael J. Sweeney appeared before the DRB for the OAE and respondent appeared pro se. This case was discovered solely by the Trust Overdraft Notification Program.

Hugo L. Moras – Reprimanded on July 7, 2005 (*184 N.J. 232*) for failing to communicate with a client in a real estate matter and, also, failing to set forth the basis or rate of the legal fee to be charged as required by court rules. Denise M. Carter appeared before the DRB for District VB and respondent appeared pro se. The respondent was previously disciplined: Suspended for six months in 1993, temporarily suspended in 1996 and again in 1997, and reprimanded in 1997.

Philip M. Morell – Disbarred on July 19, 2005 (*184 N.J. 299*) for an “elaborate scheme of deception” in a medical malpractice action by misrepresenting to a client that a complaint had been filed and that the matter was settled for \$1.1 million dollars when, in fact, such was not the case. Moreover, the respondent failed to cooperate with the district ethics committee, failed to file a verified answer to a formal complaint or to offer any evidence in mitigation, failed to appear before the Disciplinary Review Board and failed to appear before the Supreme Court, despite prior notice. Thus, under the Court’s *Kantor* decision, the Court concluded that disbarment was the appropriate sanction. Lee A. Gronikowski appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Suspended for one year in 2004.

Steven T. Muller – Reprimanded on May 23, 2005 (*184 N.J. 293*) for grossly neglecting a client’s matter, failing to communicate with a client and failing to set forth in writing the basis or rate of the fee as required by ethics rules. Lorraine Teleky-Petrella appeared before the DRB for District IIA and Michael P. Ambrosio represented the respondent. The respondent was previously disciplined: Privately reprimanded in 1989 and reprimanded in 1999.

Nicholas H. Mundy – Disbarred by Consent on July 22, 2005 (*184 N.J. 388*) for pleading guilty in the Superior Court of New Jersey, Middlesex County, to one count of an indictment charging him with securities fraud in the third degree, in violation of N.J.S.A. 49:3-52(b), N.J.S.A. 49:3-70 and N.J.S.A. 2C:2-6. John J. Janasie represented the OAE and Steven D. Altman represented respondent.

Diane K. Murray – Reprimanded on November 29, 2005 (*185 N.J. 340*) for negligent misappropriation, trust account recordkeeping violations and failing to supervise employees that resulted in the unexplained misuse of client trust funds. Nitza I. Blasini appeared before the DRB for the OAE and Edward DePascale represented the respondent. Respondent was previously disciplined: Admonished in 1997 and again in 2000.

H. Alton Neff – Censured on October 18, 2005 (*185 N.J. 241*) for engaging in “abominable” conduct at a disputed real estate closing by unilaterally aborting the transaction; without authority, seizing his adversary’s entire file; extracting documents from it and refusing to identify those items and to return them to the buyer’s attorney. Respondent also threatened the attorney with criminal prosecution if he and his clients failed to leave the office building without the records. Jeff J. Horn appeared before the DRB for District IIIA and John F. Russo, Sr. represented the respondent. The respondent was previously disciplined: Privately reprimanded in 1987.

Wendy E. Neggers – Suspended for three months on December 6, 2005 (*185 N.J. 397*) for conduct arising out of a two-count Accusation charging her with unlawfully and knowingly or purposely possessing a controlled dangerous substance, heroin, Schedule I, N.J.S.A. 2C:35-10a(1); and unlawfully and knowingly or purposely possessing a controlled dangerous substance, heroin, Schedule I, in a quantity of less than ½ ounce, with the intent to distribute same, N.J.S.A. 2C:35-5b(3). Respondent was subsequently accepted into pretrial intervention and admitted her offense in this disciplinary proceeding. Lee A. Gronikowski appeared before the DRB for the OAE and respondent appeared pro se.

James D. Nichols – Reprimanded on February 8, 2005 (*182 N.J. 433*) for grossly neglecting two immigration matters, failing to communicate with a client and failing to return an unearned fee. Richard A. Deutchman appeared before the DRB for District VIII and respondent appeared pro se. The respondent was previously reprimanded in 1984.

Anthony C. Nwaka – Disbarred on March 29, 2005 (*183 N.J. 207*) for forging clients’ endorsements on checks and knowingly misappropriating in excess of \$35,000 in clients’ trust funds. Lee A. Gronikowski represented the OAE before the Supreme Court and respondent failed to appear. The respondent was previously disciplined: Suspended for three months in 2003 and three-month suspension in 2004.

Nkem E. Odinkemere, a/k/a E. Nkem Odinkemere – Disbarred on January 19, 2005 (*182 N.J. 274*) for knowingly misappropriating client trust funds, issuing trust checks to himself to which he was not entitled, abdicating his office to his staff, who handled matters independently, assisting in the unauthorized practice of law and engaging in improper fee sharing with non-attorneys. Janice L. Richter appeared before the Supreme Court for the OAE and Saul J. Steinberg appeared for the respondent. This case was discovered solely by the Trust Overdraft Notification Program. The respondent was temporarily suspended on September 14, 2000 for non-cooperation.

Richard M. Onorevole – Suspended for six months effective November 1, 2005 on a certified record (*185 N.J. 169*) for grossly neglecting an estate matter, failing to timely file the estate tax returns, failing to communicate with a client and failing to cooperate with disciplinary authorities in processing the matter. Janet L. Pisansky appeared before the DRB for District X and respondent failed to appear. The respondent was previously disciplined: Admonished in 1994; reprimanded in 1996 and reprimanded in 2001.

George Osei – Censured on October 18, 2005 (*185 N.J. 249*) as a result of a guilty plea to the third-degree crime of criminal mischief, in violation of N.J.S.A. 2C:17-3a(2). The respondent admitted intentionally causing \$72,000 worth of damage to a house that he had lost through foreclosure seven days prior to the date he was to be evicted. Richard J. Engelhardt appeared before the DRB for the OAE and Dominick J. Aprile appeared for respondent.

Nancy I. Oxfeld – Reprimanded on July 26, 2005 (*184 N.J. 431*) for failing to act with diligence and failing to communicate with the client while representing her in connection with a pension plan matter. Christopher J. Dalton appeared before the DRB for District VA and respondent appeared pro se. Respondent was previously disciplined: Admonished in 1995 and 2001.

Craig E. Parles – Disbarred by consent on June 21, 2005 (*184 N.J. 69*) for knowingly misappropriating clients’ trust funds in an amount exceeding \$24,000. Michael J. Sweeney represented the OAE and Joseph P. Castiglia represented respondent. This case was discovered solely by the Random Audit Program.

Steven A. Pasternak – Disbarred on February 24, 2005 (*182 N.J. 531*) for knowingly misappropriating trust funds in two client matters. John McGill III appeared before the DRB for the OAE and Rachel A. Akohonae represented respondent. The respondent was previously disciplined: Temporarily suspended in 2001.

C. Aaron Patel - Reprimanded on March 8, 2005 (*182 N.J. 587*) for negligently misappropriating client trust funds and failing to maintain proper trust and business accounting records under R.1:21-6. Michael J. Sweeney appeared before the DRB for the OAE and respondent waived appearance. This case was discovered solely by the Trust Overdraft Notification Program.

Queen Esther Payton – Admonished by discipline by consent on November 3, 2005 (Unreported) for practicing law while ineligible between September 2003 and August 2004 and also failing to cooperate with disciplinary authorities during the investigation of this matter. Jane M. Coviello appeared before the DRB for District XII and respondent appeared pro se.

Larissa A. Pelc – Admonished on July 28, 2005 (Unreported) for failing to refund a portion of a fee that had not been earned after her services were terminated. Matthew J. Jeon appeared before the DRB for District IIB and respondent appeared pro se.

David C. Pennella – Admonished on May 23, 2005 (Unreported) for negligently misappropriating clients’ trust funds over a period of years that was initially caused by a bank error. The law firm’s failure to properly reconcile delayed the detection of this problem. Nitza I. Blasini 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.

Barry A. Perlow – Disbarred by consent on October 17, 2005 (*185 N.J. 240*) for knowingly misappropriating clients’ trust funds. Walton W. Kingsbery III represented the OAE and Jay H. Greenblatt represented the respondent. This case was discovered solely by the Trust Overdraft Notification Program.

Steven V. Podolsky – Admonished on September 19, 2005 (Unreported) for filing a civil complaint during a seven-month period when he was ineligible to practice law for non-payment of the annual registration assessment. Richard A. Deutchman represented District VIII before the DRB and James D. Nichols represented the respondent.

Raymond L. Poling - Reprimanded on May 23, 2005 (*184 N.J. 297*) for representing buyers in real estate transactions where the clients used a title company in which the attorney had a financial interest and stood to earn a fee, all without obtaining required written waivers from the clients. Walton W. Kingsbery III appeared before the DRB for the OAE and Katherine Hartman represented the respondent. The respondent was previously disciplined: Temporarily suspended in 1989 and suspended for fourteen months in 1990.

Joseph E. Poveromo – Disbarred on January 4, 2005 (*182 N.J. 206*) for grossly neglecting a divorce matter, failing to communicate with a client, failing to refund an unearned portion of a \$1,000 fee, and failing to cooperate with disciplinary authorities. Lee A. Gronikowski appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent had a significant ethics history: Two reprimands in 2002; one reprimand in 2003; and two three-month suspensions in 2003.

Rafael A. Prado – Transferred to disability inactive status on a certified record on January 26, 2005 (*182 N.J. 313*) due to evidence that he lacks the capacity to practice law and is incapable of assisting counsel or representing himself. Lawrence E. Sindoni represented District VI before the DRB, which recommended a three-month suspension. Nitza I. Blasini appeared for the OAE before the Supreme Court.

Fernando Regojo – Reprimanded on December 6, 2005 (*185 N.J. 395*) for negligently misappropriating clients' trust funds, commingling personal and clients' funds and failing to promptly deliver client funds. Michael J. Sweeney appeared before the DRB for the OAE and Joseph P. Castiglia appeared for the respondent. The respondent has been previously disciplined: Reprimanded in 2001 and reprimanded in 2004.

Mary H. Richardson – Suspended for six months effective August 10, 2005 (*184 N.J. 288*) for misconduct as house counsel in family-owned companies, including misrepresentation and deceit in court proceedings, involving lying and engaging in a recurring pattern of “conscious misstatements under oath.” John J. Janasie appeared before the DRB for the OAE and Peter A. Ouda represented the respondent.

Donald M. Rohan – Suspended for three months effective August 10, 2005 on a certified record (*184 N.J. 287*) for grossly neglecting three client matters while working as an associate in a large law firm. In one case, respondent made misrepresentations to the court and to his adversary when he purportedly settled the case in which he had no authority to do so; in another matter he knowingly misrepresented to his supervisor that he had filed a complaint on behalf of the client; and, in a third matter, he appeared at the call and settled the case even though he had no authority to do so. Walton W. Kingsbery III represented District VA before the DRB and respondent failed to appear.

Harvey H. Rothman – Reprimanded on December 6, 2005 (*185 N.J. 396*) for exhibiting gross neglect, negligent misappropriation of client trust funds, failing to maintain proper trust and business account records, engaging in an improper business transaction with a client and failing to properly supervise a non-lawyer. Janice L. Richter appeared before the DRB for the OAE and respondent appeared pro se. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Fayth A. Ruffin – Admonished on February 22, 2005 (Unreported) for failing to file an answer for her client to a counterclaim in connection with litigation, thereby causing a default judgment in the amount of \$12,000 to be entered against her client. James A. Mella appeared before the DRB for District VB and Charles E. Austin represented the respondent.

Michael F. Sassano – Disbarred by consent on May 10, 2005 (*184 N.J. 1*) for knowingly misappropriating over \$250,000 of clients' trust funds. Michael J. Sweeney represented the OAE and Barry D. Epstein represented the respondent. This case was discovered solely by the Random Audit Program. The respondent was previously disciplined: Temporarily suspended in 2003.

Stuart P. Schlem – Suspended for three months on October 5, 2005 (*185 N.J. 173*) for grossly neglecting a client matter, misrepresenting the status of the case as pending when it had been dismissed and failing to return an overpayment to his client. R. Diane Aifer appeared before the DRB for District IX and Emil S. Cuccio represented the respondent. The respondent was previously disciplined: Privately reprimanded in 1994; reprimanded in 2000 and suspended for three months in 2003.

Michael C. Scoon – Suspended for three months effective April 23, 2004 (*183 N.J. 475*) for engaging in a conflict of interest in a real estate matter and failing to cooperate with the Office of Attorney Ethics during the investigation of the underlying case. Walton W. Kingsbery III appeared before the DRB for the OAE and Daniel E. Zemsky represented the respondent. The respondent was previously disciplined: Temporarily suspended in 2004.

David S. Silverman – Suspended for one year effective October 21, 2005 (*185 N.J. 133*) for unethically compensating a chiropractor for referring clients to him during a period that spanned from 1997 through 2001. Lee A. Gronikowski appeared before the Supreme Court for the OAE and Robert E. Margulies represented respondent.

Anthony J. Simmons - Admonished on February 23, 2005 (Unreported) for failing to return \$7,000 out of a \$7,500 retainer paid by clients to represent them in a criminal matter. The \$7,000 refund was ordered by a district fee arbitration committee. In a second matter, the respondent unilaterally withdrew from representing clients in connection with state and federal criminal charges in order that respondent could seek medical treatment in Minnesota. Although he notified the judges in both proceedings, he failed to notify his clients that he was withdrawing from their representation. The DRB also ordered that, prior to resuming practice in this state, respondent provide proof of fitness to practice law as attested by a psychiatrist approved by the OAE. Elizabeth A. Kenny appeared before the DRB for District VA and respondent appeared pro se.

Ronald M. Sims – Censured on November 1, 2005 (*185 N.J. 276*) based upon respondent's conviction in municipal court of the petty disorderly persons offense of harassment, in violation of N.J.S.A. 2C:33-4(b), which involved inappropriately touching his secretary. Richard J. Engelhardt appeared before the DRB for the OAE and respondent appeared pro se.

Mitchell L. Singer – Disbarred on September 28, 2005 (*185 N.J. 163*) based upon his disbarment in the State of New York, arising out of his guilty plea to charges of grand larceny in the third degree, in violation of New York Penal Law §155.35. Factually, the respondent failed to maintain a real estate escrow in the amount of \$85,000, which was to be used for his clients' rental payments. Richard J. Engelhardt appeared before the Supreme Court for the OAE and Michael S. Richmond appeared for the respondent. The respondent was previously disciplined: Temporarily suspended in 2004.

Ronald W. Spevack - Admonished on February 22, 2005 (Unreported) for exhibiting a lack of diligence and failing to pursue a client's appeal of a decision by the Social Security Administration. Craig M. Terkowitz appeared before the DRB for District VIII and respondent appeared pro se.

Ronald W. Spevack - Admonished on May 23, 2005 (Unreported) for failing to explain a matter to his client to the extent reasonably necessary to enable the client to make an informed decision about the representation. Craig M. Terkowitz appeared before the DRB for District VIII and Pamela L. Brause represented the respondent. The respondent was previously disciplined: Reprimanded in 1997 and admonished in February 2005.

Charles C. Staropoli – Disbarred on December 6, 2005 (*185 N.J. 401*) based upon a one-year suspension in the Commonwealth of Pennsylvania. The Supreme Court found that the respondent knowingly misappropriated law firm fees which he received as an associate. The respondent knew that those fees were to be divided between the firm and the associates, but nevertheless, placed the \$9,000 check into a personal bank account and then disbursed 2/3 to the client and 1/3 as a legal fee, which he retained. Richard J. Engelhardt appeared before the Supreme Court for the OAE and respondent failed to appear.

David T. Stoller - Reprimanded on March 22, 2005 (*183 N.J. 24*) for grossly neglecting a real estate closing and failing to record any of the documents for more than 4 ½ years; also, failing to maintain required records of the transaction for 7 years. Shereen C. Chen appeared before the DRB for District IV and respondent appeared pro se. The respondent was previously disciplined: Privately reprimanded in 1986.

Anthony M. Supino – Suspended for three months effective March 23, 2005 (*182 N.J. 530*) for engaging in a pattern of rude and intimidating behavior towards judges, the court administrator and law enforcement authorities in his own personal divorce matter, and by either presenting or threatening to present criminal charges against his ex-wife, the court administrator and police officers in order to obtain an improper advantage in the custody and visitation matters. Anne Marie Kelly appeared before the DRB for District VA and respondent waived appearance.

Charles R. Thomas – Censured on December 6, 2005 (*185 N.J. 394*) for conduct prejudicial to the administration of justice. While serving as the Clerk of the Passaic County Board of Chosen Freeholders and County Treasurer, respondent

lent a motor pool vehicle to a Passaic County Juvenile Detention Center maintenance worker to commute to work, an improper use of the vehicle. Respondent further knew that the worker did not possess a valid driver's license. After the worker was involved in an accident, respondent counseled the worker and his supervisor to lie to public officials and the respondent did the same. Richard J. Engelhardt appeared before the DRB for the OAE and respondent waived appearance.

Richard R. Thomas, II – Suspended for three years effective October 29, 2004 (*183 N.J. 230*) for engaging in a fraudulent real estate transaction in which the buyer contributed virtually no funds towards the purchase, the seller received no consideration for the sale of her house and a “mortgage broker/realtor”, and possibly respondent, received all of the sale proceeds. Walton W. Kingsbery III appeared before the Supreme Court for the OAE and Thomas R. Ashley represented the respondent. The respondent was previously disciplined: Admonished in 2001; suspended for one year in 2004.

Philip V. Toronto – Reprimanded on December 6, 2005 (*185 N.J. 399*) for negligently misappropriating \$59,000 in clients' trust funds and failing to maintain proper trust and business account records as required by R.1:21-6. Michael J. Sweeney appeared before the DRB for the OAE and respondent waived appearance. This matter was discovered solely as a result of the Trust Overdraft Notification Program. The respondent was previously disciplined: Reprimanded in 1997.

Jeffrey W. Truitt – Suspended for one year on March 8, 2005 (*183 N.J. 1*) for failing to safeguard clients' funds, preparing a false RESPA statement, submitting false information to the OAE during its audit, negligently invading client funds, commingling personal and client funds and failing to maintain proper attorney trust account records. John J. Janasie appeared before the DRB for the OAE and respondent failed to appear.

John A. Tunney – Suspended for six months effective October 29, 2004 (*185 N.J. 398*) for grossly neglecting two clients matters, failing to communicate with clients and failing to withdraw from representation. The Disciplinary Review Board took into consideration in mitigation the fact that the respondent suffered a crippling mental illness. Heidi Ann Lepp appeared before the DRB for District VIII and Pamela L. Brause represented the respondent. The respondent had been previously disciplined: Reprimanded in 2003 and suspended for six months in 2004.

John A. Tunney – Suspended for six months effective October 29, 2004 (*185 N.J. 398*) for grossly neglecting three clients matters and failing to communicate with his clients. Peter J. Hendricks appeared before the DRB for District VIII and Pamela L. Brause represented the respondent. The respondent had been previously disciplined: Reprimanded in 2003 and suspended for six months in 2004.

Ana L. Ventura – Admonished on a certified record on April 29, 2005 (Unreported) for failing to cooperate with disciplinary authorities during the investigation of an ethics grievance that was ultimately dismissed. Susan E. Champion appeared before the DRB for District XI and respondent failed to appear.

A. Kenneth Weiner – Suspended for six months on a certified record on April 29, 2005 (*183 N.J. 262*) for grossly neglecting a litigation matter arising out of an estate, failing to supervise subordinate lawyers and misleading the clients for over a year that their matter was proceeding properly. Scott A. Krasny appeared before the DRB for District VII and respondent failed to appear. The respondent was previously disciplined: Privately reprimanded in 1988; publicly reprimanded in 1995; and temporarily suspended from practice in 2004.

John F. Wise – Reprimanded on October 5, 2005 (*185 N.J. 167*) for grossly neglecting a bankruptcy matter by failing to take action to release funds unnecessarily held in escrow by a title company. Joel D. Fierstien appeared before the DRB for District VB and Lewis B. Cohn represented the respondent.

David E. Wolfson – Suspended for one year effective March 23, 2005 and until reinstated in New York (*182 N.J. 479*) by reason of his disbarment in the State of New York for neglect of more than a dozen collection cases, failure to account for funds entrusted to him as a fiduciary and failure to promptly return funds to a client. Richard J. Engelhardt appeared before the DRB for the OAE and respondent waived appearance.

Louann K. Wonski – Reprimanded on a certified record on May 11, 2005 (*184 N.J. 2*) for failing to cooperate with disciplinary authorities during the investigation and processing of the matter. Janice L. Richter appeared before the Supreme Court for the OAE and Zulima Farber appeared for the respondent. The respondent was previously disciplined: Reprimanded in 2003 and temporarily suspended in 2004.

Louann K. Wonski – Suspended for three months on a certified record effective January 27, 2004 (*184 N.J. 2*) for grossly neglecting a litigation matter, failing to communicate with the client and failing to respond to requests for information from a district ethics committee. Janice L. Richter appeared before the Supreme Court for the OAE and Zulima Farber appeared for the respondent. The respondent was previously disciplined: Reprimanded in 2003, temporarily suspended in 2004 and reprimanded in 2005.

Scott J. Wood – Suspended for three months effective August 15, 2005 (*184 N.J. 387*) for failing to act diligently and failing to communicate with clients in two separate matters. Respondent also failed to cooperate with disciplinary authorities. Warren S. Wolf appeared before the DRB for District IIIB and Robin E. Ecchevarria represented the respondent. The respondent was previously disciplined: Admonished in 1999, reprimanded in 2000 and censured in 2003.

Vincent M. Yacavino – Suspended for six months effective August 15, 2005 (*184 N.J. 389*) for engaging in unethical conduct in connection with his own personal divorce matter by engaging in a pattern of filing pleadings after the identical claims had been dismissed, threatening to file criminal charges and ethics grievances in an effort to remove a judge and defense counsel from the litigation and engaging in a pattern of conduct showing disrespect, abuse and contempt toward judges and adversaries. G. Glennon Troublefield appeared before the DRB for District VC and respondent appeared pro se.

Alan Zark – Admonished on February 18, 2005 (Unreported) for failing to communicate with his clients and failing to reply to requests for information from them. Nitza I. Blasini appeared before the DRB for the OAE and respondent appeared pro se.

Alan Zark – Reprimanded on June 7, 2005 (*183 N.J. 475*) for improperly refusing to disburse fees to a mortgage broker after closing of title in a real estate matter until 19 months after the closing. In a second matter, respondent failed to safeguard funds and misrepresented, on closing documents, the disbursements made in connection with that transaction. Nitza I. Blasini appeared before the DRB for the OAE and respondent appeared pro se. The respondent was previously disciplined: Admonished in 2005.

Richard J. Zeitler – Disbarred on February 10, 2005 (*182 N.J. 389*) for a 30-year egregious disciplinary history, culminating in unethical conduct in three client matters, including the virtual abandonment of the clients and his misrepresentations to them and to courts, in one case using his wife's multiple sclerosis as an excuse for his laxness, when he falsely advised a trial court that he could not appear because he had to take her to a New York hospital for treatment. The Court stated that: "Despite having received numerous opportunities to reform himself, respondent has continued to display his disregard, indeed contempt, for our disciplinary rules and our ethics system." Brian D. Gillet appeared before the Supreme Court for the OAE and Douglas R. Kleinfeld appeared for respondent. Respondent was previously disciplined: Suspended for one year in 1976; suspended for two years in 1980; admonished in 1995; reprimanded in 1999; reprimanded twice in 2000.

Michael A. Zindler - Admonished on February 24, 2005 (Unreported) for improperly procuring releases from his clients for malpractice claims that they may have had against him, without complying with the provisions of RPC 1.8(h)(2). George Singley appeared before the DRB for District IIIB and Kevin H. Michels represented the respondent.

DISCIPLINE SYSTEM

Chapter Two



“The public will soon lose confidence in our legal system if those who practice law in our courts are not honest and competent. The reputation of the entire bar requires that all ‘attorneys comply with the highest standards of professional conduct.’ Quoting from *In re Gallo*, 178 N.J. 115, 117 (2003).) **This Court has recognized that ‘[m]embership in the [legal] profession is a privilege burdened with conditions. Some of the basic conditions are good moral character, a capacity for fidelity to the interests of clients, and for fairness and candor in dealings with the courts. Those conditions are not only prerequisite for admission to the bar, they are equally essential afterward. Whenever they are broken, the privilege is lost.’** (Quoting from *In re Pennica*, 36 N.J. 401 at 433-434 (1962)).

Associate Justice Barry T. Albin
In re E. Lorraine Harris, 182 N.J. 594, 609 (2005)

2005 DISCIPLINARY SYSTEM HIGHLIGHTS

Despite increasing numbers of new cases filed over the most recent five-year period (**Figure 7**), the disciplinary system returned to a more normal case flow in 2005. After a record high of 1,794 new matters were opened in 2004 (consisting of investigations and formal complaints), that number dropped by 5% to 1,700 in 2005. As a result, the number of pending cases in the system (1,401) returned to 2003 levels (1,402).

Over this five-year period, new matters opened increased by 28%, from 1,330 to 1,700. The number of dispositions also increased by 32%, from 1,276 to 1,678 this year, with a peak of 1,878 in 2004, the same year that filings reached record highs of 1,794. While the number of dispositions actually decreased from 2004 (1,817) to 2005 (1,678), this was almost offset by the decrease in new matters opened in 2004 (1,794) versus 2005 (1,700).

A breakdown of these overall figures shows that the number of new investigations increased during the five-year period by 11%, from 1,330 in 2001 to 1,474 in 2005. This year's filings represent a 2.6% decrease over the 1,513 new investigations opened last year. Formal complaints showed an increase of 15% during the period, from 197 in 2001 to 226 this year. The 2005 filings (226) represent a decrease of 20% from last year (281), an all-time high in the number of formal complaints filed.

There was improvement in the number of investigations that met Supreme Court (Court) time goals at the end of 2005. Court rules set as a goal that standard investigations should be completed within six months and complex investigations should be completed within nine months. The overall statewide compliance goal for investigations increased from 62% last year to 67% in 2005. This increase was led by the Office of Attorney Ethics (OAE), which increased compliance from 50% at the end of last year to 69% in 2005. District ethics committees showed a slight decrease in meeting goals, from 71% last year to 66% this year. The average age of pending cases also decreased overall from 272 days last year to 246 days this year. The OAE's investigative average decreased from 401 days to 326 days, while district committees increased from 164 days to 184 days.

The OAE's improvement in backlog reduction is attributable to the addition of needed personnel and additional management acuity. From 1999 through 2003 the OAE's investigative caseload increased from 425 to 791. Additionally, during many of those years the OAE was forced to deal with the extended loss of experienced investigators. Beginning in 2003, the Court authorized the transfer of two investigators from our District Group [which was dedicated to serving the District IV (Camden and Gloucester Counties) Ethics Committee and the

Five Year Caseload

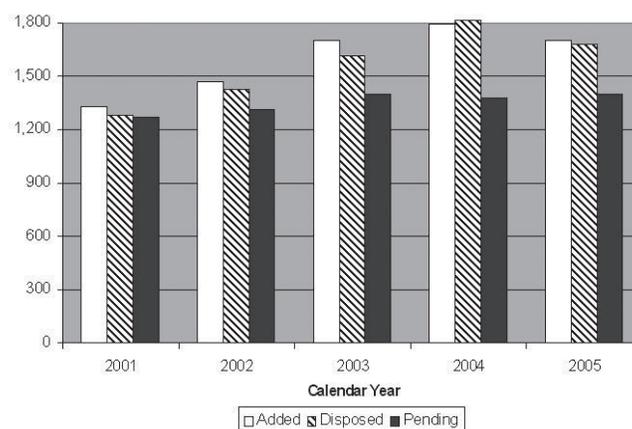


Figure 7

District VA (Essex County Newark) Ethics Committee] to the OAE’s Complex Group. Another three District Group investigators were transferred in 2004 and three new auditing positions were also authorized. In 2005, a final transfer of the remaining two District Group investigators was authorized and the District Group was disbanded. Calendar year 2005 saw the first concrete results of the addition of necessary personnel resources over the past several years. As a result, the OAE’s backlog of difficult cases was reduced from 50% of its investigative caseload down to 31%.

ORGANIZATION

The attorney disciplinary system consists of three levels: Office of Attorney Ethics (OAE) and District Ethics Committees; Disciplinary Review Board (Review Board); and Supreme Court of New Jersey (Court). (Figure 9).

The first level consists of 17 regionalized district ethics committees (referred to as “committees”), supervised and managed by the Office of Attorney Ethics (Figure 8). District committees generally are established along single or multiple county lines.

District Ethics Committees

DISTRICTS	COUNTIES
I	Atlantic, Cumberland, Cape May and Salem
IIA	North Bergen
IIB	South Bergen
IIIA	Ocean
IIIB	Burlington
IV	Camden and Gloucester
VA	Essex – Newark
VB	Essex – Suburban
VC	Essex – West
VI	Hudson
VII	Mercer
VIII	Middlesex
IX	Monmouth
X	Morris and Sussex
XI	Passaic
XII	Union
XIII	Hunterdon, Somerset and Warren

Figure 8

The committees consist of attorney and public members who serve *pro bono* to investigate, prosecute and decide disciplinary matters. Each committee consists of three officers: a chair, who is the chief executive officer and the one responsible for all investigations; a vice chair, who is responsible for all cases in the hearing stage; and a secretary, who is the administrator and who receives and screens all inquiries and routes all docketed grievances. Attorney members are assigned to investigate and, if necessary, prosecute grievances docketed with the committees. Public members serve together with two attorneys on three-member hearing panels that function

NEW JERSEY DISCIPLINARY SYSTEM



Figure 9

to decide cases where formal complaints have been filed after investigations. The OAE is responsible for overseeing the operations of all committees. The OAE also investigates and prosecutes serious, complex and emergent matters statewide.

The second level of the disciplinary system involves the Disciplinary Review Board (Review Board). That body is the intermediate appellate tribunal in disciplinary matters. All recommendations for discipline from district hearing panels and certain other matters come to the Review Board for review. Subject to the Court's confirmatory order, the Review Board's decisions to impose discipline are final in all cases, except recommendations for disbarment. The Review Board also hears appeals from dismissals following investigation or hearing and recommends reinstatement of suspended attorneys to the Court.

The Court is the third and highest level of the disciplinary system. It decides applications by the OAE for emergent temporary suspensions of attorneys who pose a danger to the public or themselves. The Court hears and decides all recommendations for disbarment, as well as any other disciplinary recommendations where it has granted a petition for leave to appeal. Additionally, the Court reviews all decisions by the Review Board (other than admonitions) and enters confirmatory orders that actually impose all other discipline.

To facilitate understanding of the disciplinary system, and to provide information to the public and the bar, the OAE maintains a comprehensive website (**Figure 10**). It is located at the Judiciary's homepage at www.njcourtsonline.com. Once at the homepage, go to the directory on the left side under "Attorney Regulation" and then select "Office of Attorney Ethics." The OAE site is divided into ten separate pages. Grievance forms, as well as Fee Arbitration Request forms, can be downloaded and printed from the OAE site. The site also contains a list of district secretaries to whom the completed forms are sent. The New Jersey disciplinary system receives thousands of communications each year. During 2005, the main telephone line for the OAE in West Trenton received almost 11,000 telephone calls. An additional 5,000 plus calls were routed directly to the districts through a toll-free information hotline (1-800- 406-8594), which is described on the OAE's website.

OAE Website

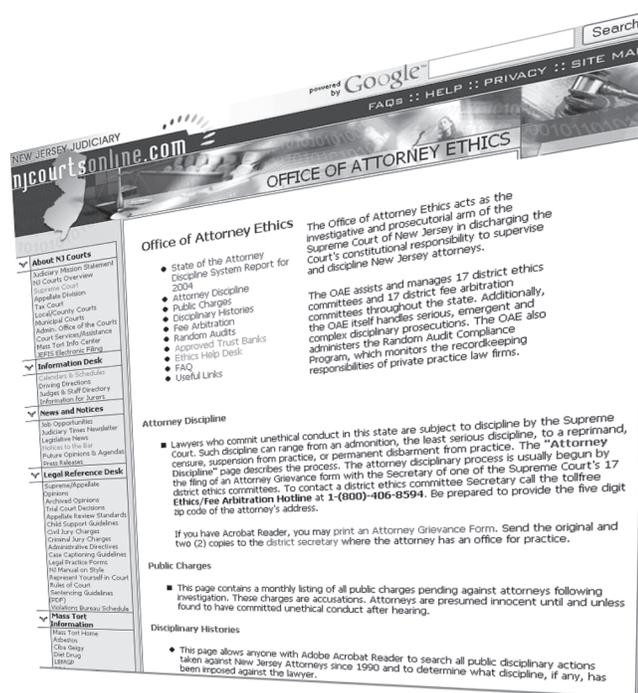


Figure 10

ATTORNEY POPULATION

For the first time ever, the attorney population in New Jersey decreased in 2005. On average, the number of attorneys admitted to practice has increased by over 2,800 lawyers over the past three years. However, this one year statistical anomaly was caused by the Court's administrative revocation of the licenses of 5,999 attorneys (as of December 31, 2005) who had been ineligible to practice law in this state for seven consecutive years for repeated non-payment of their annual registration fees. A new revocation rule (Rule 1:28-2(c)) was adopted by the Court on July 28, 2004 to be effective September 1, 2004 authorizing this action. To again practice here, these former lawyers will have to complete the full admission process. The 2005 Ineligible List signed by the Court represented the first time the rule was implemented. Therefore, it affected all attorneys who had been continuously ineligible since 1999. This explains the unusually large number of attorneys whose licenses were revoked this year. In future years, revocation will only affect a small number of New Jersey lawyers.

With the revocation, the New Jersey lawyer population stands at 77,434 as of the end of December 2005. (Figure 11). This number is close to the total number of 76,794 attorneys admitted as of the end of 2002. The 2005 figure is still almost twice the total of 38,408 lawyers admitted in the state just 17 years ago at the end of 1988.

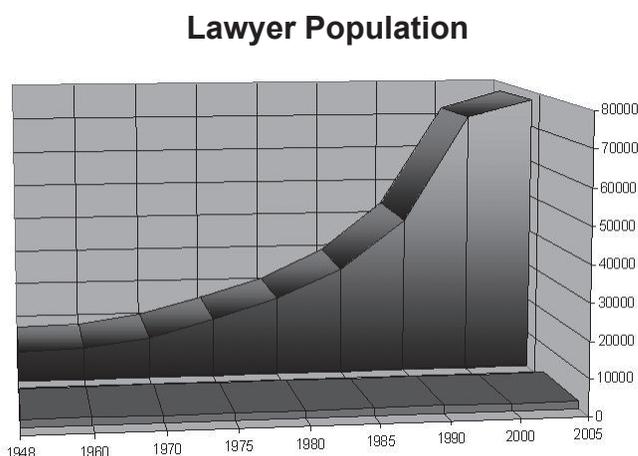


Figure 11

But for the 2005 revocations, New Jersey continues to be among the fastest growing lawyer populations in the country. Its location in the populous northeast business triangle between New York, Philadelphia and Washington, D.C. is undoubtedly one factor attracting new lawyers to the bar. Currently, there is one lawyer for every 113 citizens in the Garden State. At the end of 2005, New Jersey had 77,434 lawyers out of a total population of 8,717,925.

At current admissions rates, projections show that by the end of the year 2010, just five away, the New Jersey Bar will grow to over 90,000 practitioners. If current recent trends continue, the state may reach a total of 100,338 attorneys by the year 2013.

Nationally, New Jersey ranks fifth out of 51 jurisdictions in the total number of lawyers admitted to practice. According to a July 1, 2005 survey compiled for the National Organization of Bar Counsel, Inc., the seven most populous states for lawyers were New York (215,325), California (200,363), Texas (93,576), Pennsylvania (85,458), New Jersey (81,617), District of Columbia (80,484) and Illinois (80,216).

The number of new admissions each year is a factor in the number of disciplinary inquiries and grievances filed, as well as in the number of attorneys who are sanctioned annually for unethical conduct. Nevertheless, the number of attorneys against whom grievances are filed remains a small percentage of the total lawyer population (Figure 12).

Lawyer-Grievance Analysis			
Year	Filings	Lawyers*	Percent
2005	1,474	61,360	2.40%
2004	1,513	59,919	2.53%
2003	1,703	57,583	2.96%
2002	1,472	56,446	2.61%
2001	1,330	56,278	2.36%

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

Figure 12

FUNDING DISCIPLINE

The attorney disciplinary system is funded exclusively from the Court's annual registration assessment on lawyers. No taxpayers' monies are used to support attorney disciplinary functions in New Jersey. That annual fee 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

Annual Registration Fees			
Admission Year	5-49 Years	3-4 Years	2 nd Year
Attorney Discipline	\$126	\$126	\$25
Lawyers' Fund	\$50	\$25	\$0
Lawyers' Assistance	\$6	\$6	\$3
Total Fee	\$182	\$157	\$28

Figure 13

reimburses clients whose monies have been taken dishonestly by New Jersey lawyers), as well as the Lawyers Assistance Program (which helps lawyers with alcohol, substance abuse, gambling and other problems). For calendar year 2005, the annual fees assessed for most lawyers (those admitted to practice between 5 to 49 years) totaled \$182. Of this amount, \$126 is earmarked for attorney discipline, \$50 for the Lawyers' Fund and \$6 for Lawyers Assistance. This total fee is \$8 lower than the \$190 paid last year. (**Figure 13**).

New Jersey's \$126 disciplinary portion of the annual fee for 2005 has actually increased by a total of only \$1 since 1995. At that time, the Court reorganized the attorney discipline system and established the disciplinary portion of the annual fee at \$125 for most New Jersey lawyers (i.e., those admitted between 5 to 49 years). During the period from 1997 through 2002, New Jersey practitioners actually enjoyed six straight years of rebates (some as high as \$30) when the Court temporarily reduced the discipline portion of the annual fee. As a result, lawyers received reductions totaling in excess of \$6 million. This extended string of rebates is unparalleled for annual attorney assessments in the country.

The annual budget approved by the Court for attorney disciplinary functions in calendar year 2005 is \$8,945,640. Sixty percent of the budget is allocated to the OAE and 20% to the Disciplinary Review Board. The balance is apportioned to the Random Audit Compliance Program (6%), District Ethics Committees (6%), District Fee Arbitration Committees (4%), Annual Attorney Registration (3%) and the Disciplinary Oversight Committee (1%).

New Jersey's lawyer registration fee is among the lowest in the country. A July 1, 2005 survey prepared by the OAE for the National Organization of Bar Counsel, Inc., showed that New Jersey ranked 5th (with 81,617 admitted attorneys) out of 51 United States jurisdictions in attorney size and ranked 41st (at \$182) in the amount of mandatory fees required in order to practice. Last year, New Jersey ranked 7th in size and 40th in the country in the amount of mandatory annual fees charged.

Nationwide, the average annual mandatory fee was \$353, which represents a \$21 increase from the \$332 average fee last year and a \$28 increase from the 2003 national average of \$325. The range of mandatory fees across the country in 2005 starts at \$105 in Indiana and is as high as \$3,432 in Oregon, where the annual fee includes a mandatory malpractice charge for private practice attorneys that averages \$3,000.

EVALUATING GRIEVANCES

Grievance forms are provided to all inquirers to complete relevant information necessary to evaluate the claims. District ethics secretaries review all written grievances that are filed to determine whether the facts alleged in the grievance, if proven, would constitute unethical conduct.

Unlike most states, New Jersey does not docket every communication to the disciplinary system and then quickly dismiss a major portion of these matters. Rather, district ethics secretaries, who are practicing attorneys, evaluate grievances in accordance with court rules for screening cases. If the secretary determines that the grievance is a fee dispute, or meets other specific criteria outlined in court rules, the secretary will decline to docket the case, providing the grievant with a copy of the Court's rule provision. If the grievance involves certain pending civil or criminal litigation, the secretary may decline to docket the matter. If the facts alleged in the grievance would not constitute unethical conduct even if proven (for example, where the lawyer is simply alleged to have been rude or used inappropriate language, or where the lawyer did not pay a personal bill), after consultation with a public member designated annually by the secretary of the committee, the secretary will also decline to docket the case. In this event the secretary will notify the grievant of the reason that the case is declined and the specific court rule or other authority mandating declination. There is no right of appeal from these determinations. If the secretary determines that the facts alleged in the grievance, if proven, would constitute unethical conduct and if the grievance is not otherwise declined for the reasons noted above, the grievance is docketed.

CONFIDENTIAL INVESTIGATIONS

All docketed grievances are assigned for investigation in order to determine whether unethical conduct may have occurred and, if so, whether there is sufficient evidence to prove the charges by clear and convincing evidence. Investigations include communicating with the respondent-attorney, the grievant and any necessary witnesses. The process also involves securing such records and documents as may be necessary for a proper understanding of the matter.

Under Court rules, all disciplinary investigations are confidential until and unless a complaint has been filed and served. In the 2005 case of *R.M. v. Supreme Court of N.J., et al.*, 185 N.J. 208, the Court heard a challenge to the constitutionality of its existing confidentiality Rule 1:20-9(a), which prevented even grievants from disclosing the fact that a grievance had been filed and the results thereof. In this case, the client, R. M., filed a grievance against an attorney who, after investigation, received diversion following which the case was dismissed. The grievant alleged that she had a constitutional First Amendment right to talk about her grievance and the results.

The Court agreed and struck down its own rule:

“Accordingly, we hold that a grievant may speak publicly regarding the fact that a grievance was filed, the content of that grievance, and the result of the process. The fact that a matter is diverted and that the attorney admitted to a violation of the disciplinary rules is no longer confidential, but the contents of the diversion agreement itself are not to be disclosed by disciplinary officials. Further, documents that are gathered during the ethics proceedings are not to be released publicly by disciplinary officials except as provided for in Rule 1:20-9(a)(1) (reference omitted) (listing exceptions to the confidentiality rule). These rules apply in this appeal and to all ethics matters currently pending.” *Id.* At 231.

The Court was careful to state that its decision did not deal with the right of a grievant to disclose otherwise confidential documents. *Id.* at 382 n. 3. Indeed, the grievant did not even make such a request. The Court did, however, reinforce the duty of disciplinary officials to maintain the confidentiality of the system and all non-public documents.

Court goals call for standard investigations to be completed within six months and complex investigations within nine months from the date a case is docketed until an investigative report is filed and the case dismissed, diverted or a complaint is filed. Most district cases are classified as standard matters. Most OAE cases are classified as complex matters. The actual time involved necessarily depends on a number of factors, including staffing, the cooperation of the grievant, the respondent and any other witnesses and the complexity of the matter itself.

At the conclusion of the investigative process, a report is submitted to the chair of a committee, who determines whether there is adequate proof of unethical conduct. If there is no reasonable prospect of proving unethical conduct, the chair directs the secretary to dismiss the matter and to so advise the grievant. The grievant has a right to appeal a decision to dismiss the case to the statewide Review Board.

If, however, there is a reasonable prospect of proving unethical conduct by clear and convincing evidence, there are two choices. Where both the chair and the Director, OAE agree that the attorney is guilty of “minor unethical conduct” and the attorney acknowledges the unethical conduct, the case may be diverted. “Minor unethical conduct” is conduct that will warrant no more than an admonition, the least serious disciplinary sanction. Diversion results in non-disciplinary treatment, usually conditioned on certain remedial action by the respondent. The OAE Director’s decision to divert a case is not appealable. In all other cases, the chair directs that a formal complaint be filed and served on the respondent attorney who has 21 days to file an answer. Then a disciplinary hearing is held.

The number of investigations docketed with the system has increased by 11% over the most recent five-year period. (**Figure 14**). In 2005 the number docketed (1,474) decreased by 2.6% from last year (1,513).

The disciplinary system began 2005 with a total of 1,154 investigations carried over from prior years.

During the year, 1,474 new investigations were added for a total disposable caseload of 2,628. A total of 1,457 investigations were completed and disposed of, leaving a total of 1,171 pending investigations at year’s end. Of that number, 188 were in untriable status, leaving an active pending investigative caseload of 983 matters. Certain cases are inactive and are placed in untriable status due to pending criminal, civil or related disciplinary litigation (in this state or another state), illness of a party, witness or counsel, or for similar reasons where the matter cannot proceed through the hearing process. When the reason for placement in untriable status is resolved, the case is reactivated by the OAE and appropriate action is taken.

Changes In Investigations			
Year	Filings	Change	Overall
2005	1,474	-2.6%	10.8%
2004	1,513	-11.2%	
2003	1,703	15.7%	
2002	1,472	10.7%	
2001	1,330	---	

Figure 14

PUBLIC HEARINGS

Once a formal complaint is issued and served on a respondent, the record in the case is public. The complaint, all pleadings subsequently filed and records subsequently made are available for review at the office of the district secretary, or at the OAE, in connection with cases prosecuted by each office. In very unusual situations, however, a protective order may limit disclosure.

All disciplinary hearings are public. Complaints are generally tried before a hearing panel consisting of three members, composed of two lawyers and one public member. In complex cases, a special ethics master may be appointed by the Court to decide the matter.

The procedure in disciplinary hearings is similar to that in court trials. A court reporter makes a verbatim record of the entire proceeding. Testimony is taken under oath. Attendance of witnesses and the production of records may be compelled by subpoena. After conclusion of the hearing, the panel or special ethics master

Changes In Complaints			
Year	Filings	Change	Overall
2005	226	-19.6%	14.7%
2004	281	43.4%	
2003	196	7.7%	
2002	182	-7.6%	
2001	197	---	

Figure 15

complaints filed increased overall by 15%. (Figure 15).

The disciplinary system began 2005 with a total of 225 complaints carried over from prior years. During the year, 226 new complaints were added for a total disposable caseload of 451. A total of 221 complaints were completed and disposed of through the hearing process, leaving a total of 230 pending complaints at year's end. Of that number, nine were in untriable status, leaving an active pending caseload of 221 matters. As previously discussed in the preceding section on Confidential Investigations, some cases may be placed in untriable status.

DISCIPLINARY REVIEW BOARD

The Disciplinary Review Board (Review Board) is composed of nine members: presently five are lawyers, one is a retired Assignment Judge and three are public members. As is true at the district level, all Review Board members volunteer their time to the profession. The Review Board meets monthly in Trenton at the Richard J. Hughes Justice Complex where oral arguments are held on recommendations for the imposition of discipline. Oral arguments are open to the public. The composition of the Review Board for 2005 is:

Mary J. Maudsley, Esq., Chair
April, Maudsley & Goloff, Esqs.
of Marmora - Cape May County

William J. O'Shaughnessy, Esq., Vice Chair
McCarter & English L.L.P.
of Newark - Essex County

Mathew P. Boylan, Esq.
Lowenstein Sandler P.C.
of Roseland - Essex County

Robert C. Holmes, Esq.
of Newark - Essex County

Ms. Ruth Jean Lolla
of Toms River - Ocean County

Louis Pashman, Esq.
Pashman Stein P.C.
of Hackensack - Bergen County

Mr. Lee Neuwirth
of Princeton - Mercer County

Hon. Reginald Stanton
of Florham Park - Morris County

Mr. Spencer V. Wissinger, III
of Morristown - Morris County

deliberates in private and takes one of the following actions: dismisses the complaint, if it finds that the lawyer has not committed unethical conduct; or determines that the lawyer is guilty of unethical conduct for which discipline, i.e., admonition, reprimand, censure, suspension or disbarment, is required.

The number of formal complaints filed with the system (226) decreased by 20% this year over last (281). Last year's figure represented an all-time high in complaints filed. For the most recent five-year period, formal

When a special ethics master or district hearing panel finds unethical conduct warranting discipline, the hearing report and recommendation are forwarded to and considered by the Review Board. If, after reviewing a matter in which an admonition (the least serious form of discipline) is recommended, the Review Board determines that sanction is adequate discipline, it issues a written letter of admonition. Reports recommending reprimand, censure, suspension or disbarment, are routinely scheduled before the Review Board for oral argument. The respondent may appear in person and may be represented by counsel. The presenter of the district committee or OAE ethics counsel appears to prosecute the matter before the Review Board.

At monthly meetings, the Review Board also decides ethics appeals, fee appeals and requests for reinstatement by suspended attorneys. In the event that a district committee or the OAE dismisses a docketed grievance after investigation or hearing, the grievant, the respondent or the OAE has the right to appeal to the Review Board. The Review Board also hears appeals from the statewide district fee arbitration committees, which arbitrate fee disputes between clients and attorneys. There is no charge for filing an appeal. Suspended attorneys are not automatically readmitted to practice at the conclusion of their terms of suspension, but must file a detailed petition for reinstatement on notice to the OAE. That petition is reviewed by the Review Board, which makes a recommendation to the Court. The Court then grants or denies all reinstatement requests.

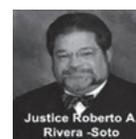
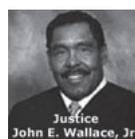
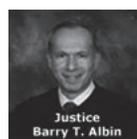
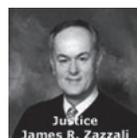
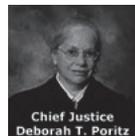
For the OAE, 2005 was a very active year before the Review Board as its ethics counsel conducted a total of 73 oral arguments, the largest total since 2001. No witnesses are permitted at oral argument and no testimony is taken. However, the argument is public. If the Review Board determines that a reprimand, censure, suspension, transfer to disability inactive status or disbarment should be imposed, its written decision is reviewed by the Court, which then issues the final order imposing discipline.

SUPREME COURT

Under the State Constitution, the Supreme Court of New Jersey has exclusive authority over the regulation of the practice of law in New Jersey. *N.J. Const. Art. VI, Section II, P3*. The Court sets the terms for admission to the practice of law in the state and regulates the professional conduct of attorneys.

The Court is the highest court in the state. It is composed of a Chief Justice and six Associate Justices. Supreme Court Justices are appointed by the Governor and confirmed by the State Senate for initial terms of seven years. On reappointment, they are granted tenure until they reach the mandatory judicial retirement age of 70.

For 2005, members of the Supreme Court of New Jersey are:



The Court hears oral arguments in disciplinary matters at the Richard J. Hughes Justice Complex in Trenton. Only the Court can order disbarment. In all other matters, the decision of the Review Board becomes final on the entry of a confirmatory order by the Court, unless it grants a petition for review or issues an order to show cause on its own motion. The OAE represents the public interest in all cases before the Court. During 2005, OAE attorneys appeared 40 times for oral argument. Oral arguments are televised in real time via streaming video technology over the Internet. This innovative use of technology, called **WEBCAST**, includes attorney disciplinary arguments. Arguments can be accessed from the Judiciary's Website at www.njcourtsonline.com by clicking on the **WEBCAST** icon. Past arguments are archived for a period of thirty days and then re-archived on the website of the Rutgers Newark School of Law.

OVERSIGHT COMMITTEE

The Court has established a Disciplinary Oversight Committee (Oversight Committee) of six attorneys and five public members, to review the attorney disciplinary system. While the committee has no operational responsibilities, it is charged to assess the system and to report to the Court on any necessary changes or improvements to insure that the system functions efficiently and in the public interest. This committee also reviews the annual budget submitted to the Court by the Director, Office of Attorney Ethics and the Chief Counsel, Disciplinary Review Board. All members serve *pro bono*. The Oversight Committee members for 2005 are:

Lanny S. Kurzweil, Esq., Chair
McCarter & English, Esqs.
of Newark

Kathryn Flicker, Esq., Vice Chair
State Commission on Investigation
of Hopewell

Richard L. Bland, Jr., Esq.
Essex County Prosecutor's Office
of Newark

Mr. Robert Boyle
William H. Hintelmann Real Estate
of Rumson

John J. Degnan, Esq.
President, Chubb & Son, Inc.
of Warren

Paris P. Eliades, Esq.
Daggett, Kraemer, Eliades & Vanderweile
of Sparta

Ms. Lori Dickerson Fouche
Chubb Specialty Ins.
of Warren

Michael K. Furey, Esq.
Riker, Danzig, Esqs.
of Morristown

Mr. Anthony J. Guaci
Medco Health Solutions, Inc.
of Franklin Lakes

Mr. Raymond Ocasio
La Casa De Don Pedro, Inc.
of Newark

Mr. Richard Sackin, C.P.A.
of Edison

OFFICE OF ATTORNEY ETHICS

The Supreme Court of New Jersey established the Office of Attorney Ethics on October 19, 1983 as the investigative and prosecutorial arm of the Court in discharging its constitutional authority to supervise and discipline New Jersey attorneys. *N.J. Const. Art VI, Section II, P3.*

The OAE (**Figure 16**) has programmatic responsibility for 17 district ethics committees, which investigate and prosecute grievances alleging unethical conduct against attorneys. It also administers 17 district

fee arbitration committees (**Chapter 4**), which hear and determine disputes over legal fees between attorneys and clients. Likewise, the OAE conducts the Random Audit Program (**Chapter 3**), which undertakes audits of private law firm trust and business accounts to see that mandatory record keeping practices are followed. The office also oversees the collection and analysis of the Annual Attorney Registration Statement (**Chapter 5**), which provides demographic and private practice information about all New Jersey lawyers, including trust and business account data.

Importantly, the OAE also is vested with exclusive investigative and prosecutorial jurisdiction in certain

Home of Office of Attorney Ethics



Figure 16

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 in another United States jurisdiction, matters involving allegations against a sitting Superior Court or Appellate Division judge concerning conduct while the judge was an attorney, cases where district ethics committees have not resolved an investigation within a year, as well as any case where the Review Board or the Court refers a matter to that office. *R. 1:20-2(b)(1)*.

The Court appoints the OAE Director. The Court, on recommendation of the Director, appoints other ethics counsel. The Director hires all other staff, subject to the approval of the Chief Justice. The OAE consists of a Director, First Assistant, Counsel to the Director, Assistant Ethics Counsel, and eight Deputy Ethics Counsel.

Following is a biography of the OAE legal staff, which averages over 20 years of legal experience:

David E. Johnson, Jr., Director

Appointed Director in 1983; Admitted to Practice 1971

A.B. Rutgers University 1968; J.D. Memphis University Law School 1971;

M.P.A. Rider University 1984

Law Practice: Associate of Wesley L. Lance, Esq., of Clinton (1971); Attorney, Ethics Unit, Administrative Office of Courts (1976-80); Chief, Division Ethics & Prof. Services (1980-83).

Related Experience: Associate Editor, University of Memphis Law Review (1969-71); President, National Organization of Bar Counsel, Inc. (1990-91); Member, Supreme Court's New Jersey Ethics Commission (1991-93); Member, New Jersey State Insurance Fraud Steering Committee (1996-98); Member, Department of Justice Immigration Fraud Working Group (1997-98); Author of *Trust and Business Accounting for Attorneys (5th Edition 2003)*; Member, Supreme Court Committee on the Protection and Retention of Attorney Files (2004-05).

John J. Janasie, First Assistant Ethics Counsel

Joined OAE in 1986; Admitted to Practice 1973

B.S. Saint Peters College 1970; J.D. Rutgers Law School - Newark 1973

Law Practice: Associate at Holzapfel and Perkins of Cranford (1973-76), Assistant Prosecutor Union County (1976-84), Senior Associate at Sauer, Boyle, Dwyer and Canellis of Westfield (1984-86).

Related Experience: Chief, Economic Crimes Unit Union County Prosecutor's Office (1982-84); Member, Supreme Court's Ad Hoc Committee on Skills and Methods Course (2003-04).

Michael J. Sweeney, *Assistant Ethics Counsel*

Joined OAE 1993; Admitted to Practice 1977

B.A. St. Joseph's University 1974; J.D. Temple University Law School 1977

Law Practice: Associate of Dietz, Allen and Sweeney (1977-82); Partner at Sweeney and Sweeney (1982-90); Owner, Law Offices of Michael J. Sweeney (1990-93); all of Mt. Holly.

Related Experience: Chair & Member of Supreme Court's District III (Burlington and Ocean Counties) Fee Arbitration Committee (1987-91).

Richard J. Engelhardt, *Counsel to Director*

Joined OAE 1977; Admitted to Practice 1973

A.B. Cum Laude Rutgers University 1968; J.D. Cornell University Law School 1973

Law Practice: Deputy Attorney General, Division Criminal Justice, Appellate Section (1973-75). Related Experience: Assistant Counsel to Supreme Court's Disciplinary Review Board and Advisory Committee on Judicial Conduct (1977-83); Secretary to Supreme Court's Unauthorized Practice Committee (1980-83).

Janet Brownlee Miller, *Deputy Ethics Counsel – Statewide Ethics Coordinator (1/1-6/30/05)*

Joined OAE 1995; Admitted to Practice 1981

B.A. Monmouth College 1962; M.A. Indiana University 1967; J.D. Honors Rutgers Law School - Camden 1981

Law Practice: Associate at James Logan, Jr., Esq., (1982-94); Owner, Law Offices of Janet Brownlee Miller (1994-95), both of Mt. Holly.

Related Experience: Associate Editor, Rutgers Law Journal (1979-81); Law Secretary to Hon. Paul R. Kramer and Hon. Victor Friedman, Burlington County Superior Court (1981-82); Member of Supreme Court's District IIIB (Burlington County) Ethics Committee (1990-94).

Paula T. Granuzzo, *Deputy Ethics Counsel – Statewide Ethics Coordinator (7/1-12/31/05)*

Joined OAE 2005; Admitted to Practice 1981

B.A. Mercy College 1978; J.D. Rutgers Law School - Camden 1981

Law Practice: Law Offices Bernadette Duncan of Cherry Hill (1984-88); Associate at Ballen, Kaiser, Gertel of Camden (1988-89).

Related Experience: Deputy Ethics Counsel, Office of Attorney Ethics (1989-92); Assistant Counsel, Disciplinary Review Board (1992-96); Staff to the Supreme Court's New Jersey Ethics Commission (1992-93); Court Executive with New Jersey Supreme Court Clerk's Office (1996-05); Secretary to the Supreme Court's Disciplinary Oversight Committee (1996-05).

Walton W. Kingsbery, III, *Deputy Ethics Counsel*

Joined OAE 1992; Admitted to Practice 1980

B.A. Washington and Lee University 1976; J.D. Washington and Lee University School of Law 1980

Law Practice: Associate of Richard A. Amdur, Esq., of Oakhurst (1981-84); Partner at Reussille, Mausner, Carotenuto, Bruno and Barger of Red Bank (1984-92).

Related Experience: Law Secretary to Honorable Patrick J. McGann, Jr., Monmouth County Superior Court (1980-81); Municipal Prosecutor, Borough of Shrewsbury (1987-92); Secretary and Member of Supreme Court's District IX (Monmouth County) Ethics Committee (1988-92).

John McGill, III, *Deputy Ethics Counsel*

Joined OAE 1990; Admitted to Practice 1985

B.A. Cleveland State University 1976; J.D. Salmon P. Chase College of Law 1984

Law Practice: Assistant Prosecutor for the County of Essex (1986-90).

Related Experience: Law Secretary to Hon. Philip M. Freedman, Essex County Superior Court (1985-86).

Nitza I. Blasini, Deputy Ethics Counsel

Joined OAE 1993; Admitted to Practice 1983

B.A. University of Puerto Rico 1972; J.D. Rutgers Law School - Camden 1982

Law Practice: Assistant Prosecutor Camden County (1984-87); Assistant Prosecutor Atlantic County (1987-88); Assistant Prosecutor Cumberland County (1988-90); Public Defender Cape May County (1990-93).

Lee A. Gronikowski, Deputy Ethics Counsel

Joined OAE 1993; Admitted to Practice 1984

B.A. Magna Cum Laude Rider University 1981; J.D. Syracuse University Law School 1984

Law Practice: Associate of Lindabury, McCormick and Eastabrook of Westfield (1984-87); Assistant Prosecutor Middlesex County (1987-89); Deputy Attorney General, Division of Criminal Justice (1989-93).

Related Experience: Lieutenant Colonel, U.S. Air Force Reserve, currently assigned as Assistant Chief of Professional Responsibility, Headquarters, U.S. Air Force, The Pentagon.

Janice R. Richter, Deputy Ethics Counsel

Joined OAE 2001; Admitted to Practice 1981

B.S. Trenton State College 1978; J.D. Rutgers Law School - Camden 1980

Law Practice: Associate at Brown & Connery of Westmont (1980-87); Owner, Law Office of Janice L. Richter, P.C. (1988-97); Of Counsel at Braverman, Kaskey & Caprara (1997-01), both of Cherry Hill.

Related Experience: Chair and Member of Supreme Court's District IV (Camden & Gloucester Counties) Ethics Committee (1987-91); Special Ethics Master (1994-96); Certified Civil Trial Attorney.

Melissa A. Czartoryski, Deputy Ethics Counsel

Joined OAE 2005; Admitted to Practice 1993

B.A. Douglass College/Rutgers University 1989; J.D. Widener University School of Law 1992.

Law Practice: Associate at George T. Kotch, P.C. of Mount Holly (1994-96); Associate at Taylor, Boguski & Greenburg of Mount Laurel (1996-99); Partner at Gibbs & Gregory, L.L.C. of Pemberton Township (1999-04).

Related Experience: Law Secretary to Honorable Yolanda Ciccone, Superior Court, Chancery Division, Middlesex County (1992-93); Member of Supreme Court's District IIIB (Burlington County) Ethics Committee (1999 - 03).

Thomas D. Carver, Jr., Deputy Ethics Counsel

Joined OAE 2005; Admitted to Practice 1988

B.A. University of Pennsylvania 1985; J.D. Seton Hall University Law School 1988.

Law Practice: Assistant Prosecutor for the County of Essex (1989-05).

Related Experience: Law Secretary to Hon. Paul B. Thompson, Essex County Superior Court (1988-89).

An administrative staff of six supports the OAE's work:

Susan F. Robert, Law Office Administrator
Mark S. Wagner, Manager, Information Systems
Jeffrey W. Renson, Local Area Network Administrator
Rhonda L. Hardinger, Administrative Assistant
Patricia D. Strieffler, Administrative Assistant

The OAE's support staff for discipline consists of legal assistant Mercedes R. Schneider and the following 13 secretaries and assistants: Marion B. Besecker, Danette Brown, Anderia L. Calhoun, Barbara A. Cristofaro, T. Paul Dawson, Gail S. Gross, Glenda D. Jones, Serita Lee, Amy L. Mascia, Lavette D. Mims, Rosalind J. Roberts, Emma Tomlinson and Sharon D. Vandegrift.

A Chief of Investigations and two Assistant Chiefs lead the OAE's investigative staff:

Gerald J. Smith, *Chief of Investigations*

B.S. LaSalle University 1961 - Joined OAE 1988

Experience: Criminal Investigation Division, United States Treasury Department, Internal Revenue Service (1961-81); Branch Chief, Philadelphia District Office (1981-87); Assistant to the Assistant Regional Commissioner of the Criminal Investigation Division.

Jeanine E. Verdel, *Assistant Chief Investigator*

B.A. Glassboro State College 1981 - Joined OAE 1988

Experience: Paralegal at Duane, Morris and Heckscher (1981-82); Loan Officer, P.B. Mortgage Co. (1982-84); Supervisor, N.J. Housing and Mortgage Finance Agency (1984-86); Supervising Investigator, New Jersey Real Estate Commission (1986-90).

William M. Ruskowski, *Assistant Chief Investigator*

A.A. 1987 and B.A. 1991 Temple University - Joined OAE 1993

Experience: Philadelphia Police Officer (1981-87); Promoted to Police Sgt. (1987); Detective Sgt. Philadelphia District Attorneys Office supervising the Economic Crime Unit, The Government Fraud Unit and the Narcotics Forfeiture Unit (1988-93).

The OAE's Complex Investigative Group consists of forensic auditors and disciplinary investigators. This group primarily conducts statewide investigations of complex matters, some standard cases, reciprocal discipline and criminal and civil charges made against New Jersey lawyers. Cases often involve misappropriation of trust funds, financial and fraudulent matters, recidivist attorneys, and related white-collar misconduct. The group also handles other serious and emergent matters where temporary suspensions of attorneys are sought to protect the public and the bar. Supervision is divided between the Chief of Investigations and the two Assistant Chiefs. Investigative Aide Therese M. Bruck assists the group. The current members of the group for 2005 are:

Alan Beck	Denise Gamble	Susan Perry-Slay
Julie Bakle	Arthur L. Garibaldi	Wanda L. Riddle
Mary Jo Bolling	G. Nicholas Hall	John Rogalski
M. Scott Fitz-Patrick	Steven J. Harasym	Jennie Anne Rooth
Barbara Galati	Gregory Kulinich	Christopher Spedding
	Gary K. Lambiase	

DISTRICT ETHICS COMMITTEES

The attorney disciplinary system consists of full-time members of the OAE and volunteer attorneys and public members who serve on 17 regionalized district ethics committees. Volunteer attorneys serve as investigators in all districts. Public members join their attorney counterparts on hearing panels in cases where a formal complaint has been filed. Volunteer attorneys also prosecute cases they investigate before district hearing panels.

The OAE supports the efforts of all volunteer district ethics committees. Deputy Ethics Counsel Paula T. Granuzzo, who serves as Statewide Ethics Coordinator, spearheads this effort. She is assisted by Caroline E. Allen, Administrative Assistant and Sharon D. Vandegrift of the support staff, who serves on a part-time basis.

As of September 1, 2005 there were 492 volunteers (402 attorneys and 89 public members) of district committees serving pro bono across the state. Following is a list of members who served on the Court's district ethics committees during the 2005-2006 term.

	Term Expires		Term Expires
DISTRICT I		DISTRICT IIB	
(Atlantic, Cape May, Cumberland and Salem Counties)		(South Bergen County)	
Secretary: Fredrick L. Shenkman of Atlantic City		Secretary: Morton R. Covitz of Hackensack	
Mark Pfeffer of Atlantic City, Chair	2006	Edward P. D'Alessio of Hackensack, Chair	2006
Donald R. Charles, Jr. of Ocean City, Vice Chair	2007	Salvatore A. Giampiccolo of Ridgewood, Vice Chair	2009
William S. Donio of Hammonton	2006	Jerrold S. Fond of Hackensack	2006
Gary R. Griffith of Ocean City	2006	Geri L. Squire of Closter	2006
Trinna Rodgers of Atlantic City	2006	Rustine Tilton of Elmwood Park	2006
Tracey Furno Oandasan of Woodstown	2007	Daniel M. Eliades of Rochelle Park	2007
Nancy L. Ridgway of Linwood	2007	Jason Errol Foy of Hackensack	2007
Anthony A. Swan of Atlantic City	2007	Janet B. Lurie of Hackensack	2007
John W. Tumelty of Palermo	2007	James X. Sattely of Hackensack	2007
Jennifer R. Webb of Millville	2007	Ilana Volkov of Hackensack	2007
Michael J. Fitzgerald of Linwood	2008	Priscilla M. Boggia of Ridgefield	2008
Willis F. Flower of Linwood	2008	David Edelberg of Hackensack	2008
Bonnie L. Laube of Vineland	2008	Deborah M. Gross-Quatrone of Saddle Brook	2008
Carmine J. Tagliatella of Northfield	2008	Doris J. Newman of Hackensack	2008
Samantha S. Wolf of Linwood	2008	Donna Russo of Hackensack	2008
Ingrid L. French of Atlantic City	2009	Salvador H. Sclafani of Hackensack	2008
Jacqueline M. Hawkins of Atlantic City	2009	Helene C. Herbert of Wood-Ridge	2009
Richard S. Mairone of Somers Point	2009	Michael I. Lubin of Paramus	2009
Eileen Oakes Muskett of Atlantic City	2009	David O. Marcus of Hackensack	2009
Kathryn Laird Myers of Bridgeton	2009	Nina C. Remson of Hackensack	2009
Alfred J. Verderose of Vineland	2009	Alma Scott-Buczak of Cliffside Park	2006
Joseph M. Dolan of Atlantic City	2006	Joseph M. Valenzano, Jr. of Woodcliff Lake	2007
Donald A. Wadsworth of Northfield	2007	Sherry Bauer of Cliffside Park	2009
James V. Wray of Pleasantville	2007	Alesia Benedict of Mahwah	2009
Jeanne Doremus of Bridgeton	2008		
Daniel T. Campbell of Margate	2009		
Rosalind Kincaid of Atlantic City	2009		
DISTRICT IIA		DISTRICT IIIA	
(North Bergen County)		(Ocean County)	
Secretary: Morton R. Covitz of Hackensack		Secretary: Steven Secare of Toms River	
Patrick J. Kelly of Maywood, Chair	2006	Suzanne M. Jorgensen of Brick, Chair	2006
Donald M. Onorato of Hackensack, Vice Chair	2007	Kenneth F. Fitzsimmons of Point Pleasant, Vice Chair	2007
Joseph M. Ariyan of Hackensack	2006	A. Leslie Burton-Clark of Bricktown	2006
E. Gregory M. Cannarozzi of Oradell	2006	Joan Crowley of Toms River	2006
Anna Navatta of Hackensack	2006	Jonathan S. Fabricante of Lakewood	2006
Lorraine Teleky-Petrella of Hackensack	2006	Gregory Patrick McGuckin of Forked River	2006
Jeffrey L. Clutterbuck of Ridgewood	2007	Daniel D. Olszak, Jr. of Lakewood	2006
John P. Wallace of Ridgewood	2007	Debra M. Himer of Forked River	2007
David C. Hoffman of Cresskill	2008	Jeff J. Horn of Toms River	2007
Anthony N. Iannarelli, Jr. of Ridgewood	2008	Peter J. Van Dyke of Toms River	2007
Jill SunJung Park of Fort Lee	2008	Lynne A. Dunn of Toms River	2008
Gale B. Weinberg of Hackensack	2008	Joseph D. Grisanti of Jackson	2008
David S. Lafferty of Hackensack	2009	Stacey D. Kerr of Toms River	2008
Susan M. Marra of Hackensack	2009	John G. Ducey of Toms River	2009
Donald F. Miller of Hackensack	2009	Benjamin H. Mabie, III of Bayville	2009
Susan A. Semler of Hackensack	2009	Joan L. Murphy of Toms River	2009
Donna T. Tamayne of Hackensack	2009	Michael K. Nolan of Brick	2009
George B. Wolfe of Rochelle Park	2009	Christine N. Rossi of Brick	2009
Tiberio Fabricante of Closter	2006	Frederick R. Wiedeke, Jr. of Bayville	2009
Michele Phibbs of Upper Saddle River	2006	Kevin E. Young of Toms River	2010
Bettina Kretz of Upper Saddle River	2007	Robert B. O'Brien, Jr. of Bay Head	2007
Nancy Cronk Peet of Midland Park	2007	Louise Marie Cole of Toms River	2008
Carolyn Lloyd Cohen of Englewood	2009	Barbara A. Johnson-Gilmore of Lakewood	2009
Rochanna Muenthongchin of Maywood	2009	Frank Pelly of Normandy Beach	2009
Michael J. A. Smith of Maywood	2009		

	Term Expires		Term Expires
DISTRICT III B			
(Burlington County)			
Secretary: Cynthia S. Earl of Mt. Laurel			
J. Llewellyn Mathews of Cherry Hill, Chair	2006	Rita King of Lawnside	2009
Michael A. Taylor of Mt. Laurel, Vice Chair	2007	Ronda S. Morganstein of Voorhees	2009
Elizabeth Coleman Chierici of Moorestown	2006		
Janice Heinold of Marlton	2006	DISTRICT VA	
Pamela Adriano Moy of Moorestown	2006	(Essex County Newark)	
Martin Pappaterra of Mt. Holly	2006	Secretary: Seth E. Zuckerman of Newark	
Michael S. Rothmel of Mt. Holly	2006	Douglas H. Amster of Newark, Chair	2006
Warren S. Wolf of Delran	2006	Christopher M. Farella of Newark, Vice Chair	2007
Michael A. Bonamassa of Marlton	2007	Stefanie A. Brand of Newark	2006
Michelle Lee Corea of Mt. Laurel	2007	Eric R. Breslin of Newark	2006
Steven R. Cohen of Mt. Laurel	2008	Elizabeth A. Kenny of Newark	2006
J. Brooks Di Donato of Marlton	2008	Nancy Lem of Newark	2006
Frances Ann Hartman of Moorestown	2008	Sofia Samuel Lipman of Newark	2006
Karen M. Murray of Delran	2008	Jeffrey Bernstein of Newark	2007
Joseph M. Pinto of Moorestown	2008	Christopher J. Dalton of Newark	2007
Paul Ferrell, Jr. of Marlton	2009	Clement Jude Farley of Newark	2007
Carol Lynne Jennings of Mount Laurel	2009	Lisa D. Love of Newark	2007
Kathleen Conolly Rupinski of Yardville	2009	David A. Cohen of Newark	2008
Mary Kay Wysocki of Marlton	2009	Irvin M. Freilich of Newark	2008
John A. Zohlman of Cherry Hill	2009	Mark Todd Galante of Newark	2008
Ronald Monokian of Lumberton	2006	Robert D. Kuttner of Millburn	2008
Robert Zmirich of Mt. Laurel	2006	Anthony J. Laura of Newark	2008
Susan K. Geary of Florence	2008	Rachel Y. Marshall of Newark	2008
Patricia A. Thomas of Mt. Holly	2008	Bonnie L. McMillan of Jersey City	2008
		George P. Barbatsuly of Newark	2009
		Keena M. Mackay of Newark	2009
		Anthony S. McCaskey of Newark	2009
		John P. O'Toole of Newark	2009
		Lisa Hendricks Richardson of Newark	2009
		Timothy E. Shanley of Newark	2009
		Sehila Raftery Wiggins of Newark	2009
		Gail Howie Conenello of Newark	2010
		Laura Helen Corvo of Newark	2010
		Donald W. Kiel of Newark	2010
		Hope Allen of Newark	2007
		Harold L. Bernstein of Newark	2007
		Christina Y. Bookhart of Hamilton	2007
		Danielle A. Smith of Newark	2007
		Nayna Patel of Newark	2008
		Gregory E. Good of East Orange	2009
		DISTRICT VB	
		(Essex County Suburban Essex)	
		Secretary: Seth Ptasiwicz of Newark	
		Sonya M. Longo of Short Hills, Chair	2006
		Marc D. Garfinkle of Maplewood, Vice Chair	2007
		Edna Ball Axelrod of South Orange	2006
		Kenneth J. Isaacson of Wayne	2006
		Lisa Kaplan of Livingston	2006
		Anthony Mazza of West Orange	2006
		John J. Peirano, Jr. of Newark	2006
		Michael R. Ricciardulli of Millburn	2006
		Brad S. Schenerman of Newark	2006
		Thomas P. Scervo of Morristown	2006
		Lisa T. Wahler of New Brunswick	2006
		Franics X. Dee of Newark	2007
		Phillip J. Duffy of Newark	2007
		Frederick Evan Gerson of Florham Park	2007
		Marcy Ann Gilroy of Short Hills	2007
		Elizabeth Kronisch of Roseland	2007
		Lisa A. Lehrer of West Orange	2007
		Marsha Papanek Long of Short Hills	2007
		Ricki Anne Sokol of West Orange	2007
		Janet Armuth Wolkoff of South Orange	2007
		Denise Mullens Carter of East Orange	2008
		Penelope Codrington of Morristown	2008
		Novlet M. Lawrence of East Orange	2008
		Barry E. Moscovitz of Hackensack	2008
		Ellen Lewis Rice of Cranford	2008
		Michael R. Spar of West Orange	2008
DISTRICT IV			
(Camden and Gloucester Counties)			
Secretary: John M. Palm of Cherry Hill			
William S. Skinner of Cherry Hill, Chair	2007		
Anne T. Picker of Camden, Vice Chair	2007		
John P. Jehl of Haddonfield	2006		
John J. Murphy, III, of Cherry Hill	2006		
Lee M. Perlman of Cherry Hill	2006		
Laura D. Ruccolo of Cherry Hill	2006		
Eric S. Spevak of Haddonfield	2006		
Robert H. Williams of Haddonfield	2006		
David A. Haworth of Cherry Hill	2007		
Christine P. O'Hearn of Westmont	2007		
Mary C. Trace of Deptford	2007		
Ernest Louis Alvino, Jr. of Woodbury	2008		
Lisa B. Baughman of Marlton	2008		
Robert N. Braverman of Cherry Hill	2008		
Lisa Caroline Evans of Camden	2008		
Linda W. Eynon of Trenton	2008		
Richard L. Goldstein of Cherry Hill	2008		
Robert G. Harbeson of Haddonfield	2008		
Craig H. Klayman of Woodbury	2008		
Leah M. Morris of Trenton	2008		
Efrain Nieves of Camden	2008		
Steven J. Richardson of Woodbury	2008		
Lisa j. Rodriguez of Haddonfield	2008		
Louisa A. Watson of Marlton	2008		
Charles F. Blumenstein, II of Cherry Hill	2009		
Linda Lee Campbell of Mount Laurel	2009		
Patrick Judge, Jr., of Haddonfield	2009		
Stanley Oscar King of Woodbury	2009		
Christopher p. Leise of Cherry Hill	2009		
Richard J. Perr of Westmont	2009		
Ann Madden Tufano of Haddonfield	2009		
Robert T. Zane of Collingwood	2009		
Kathleen P. Stockton of Haddonfield	2010		
Peggy Leone of Merchantville	2006		
Carl Mogil, D.O. of Cherry Hill	2006		
William R. Carter, Ed.D. of Williamstown	2007		
Martin H. Abo of Voorhees	2008		
Rhea Weinberg Brekke of Voorhees	2008		

	Term Expires		Term Expires
Alvin Weiss of Morristown	2008	Paul M. DaSilva of Harrison	2009
Richard H. Beilin of West Orange	2009	Linda J. Hockstein of Bayonne	2009
Arla D. Cahill of West Orange	2009	Hugh A. McGuire, III of Jersey City	2009
Lani Marie D'Agostino of Short Hills	2009	Christopher J. Orriss of Jersey City	2009
Denise P. Gilchrist of West Orange	2009	Geneis A. Peduto of Jersey City	2009
Amy Lynn Miller of Short Hills	2009	Kevin J. Purvin of West New York	2009
Rubin M. Sinins of Newark	2009	Reverend Tyrone Chess of Jersey City	2005
Glenn R. Turteltaub of West Orange	2009	Ana J. Garcia of West New York	2005
Thomas C. Weisert of Newark	2009	Zohreh Behin of Jersey City	2006
James Clark, DDS of Short Hills	2007	Rene R. Escobar of Chatham	2006
Camille Marlow of New York	2008	Paul A. Foddai of Jersey City	2006
Bonnie J. Granatir of Livingston	2008	John R. Raslowsky, II of Hoboken	2007
Richard Singer of Livingston	2009	Julie D. Steinberg of Hoboken	2009
Vicki Horowitz of Livingston	2009	Mark R. Tihasek of Union	2009

DISTRICT VC
(Essex County West Essex)

Secretary: Richard Scharlat of Livingston

Gary J. Lustbader of West Orange, Chair	2006
Harrison J. Gordon of West Orange, Vice Chair	2007
Kathleen McCormick Campi of Upper Montclair	2006
Barbara A. Dennis of Bloomfield	2006
Jill Tobia Sorger of Montclair	2006
Lindsey H. Taylor of Roseland	2006
G. Glennon Troublefield of Roseland	2006
Angelo Cifelli of Nutley	2007
Nancy S. Feinberg of South Orange	2007
Alexander J. Graziano of Verona	2007
William Seth Greenberg of West Orange	2007
Thomas James Cannon, III of Essex Fells	2008
J. Craig Dickson, III of Upper Montclair	2008
Sandra Escobar Gabriele of Bloomfield	2008
JoAnne Giger of Roseland	2008
Gregory G. Lotz of Montclair	2008
Renard E. Barnes of Manalapan	2009
Joseph A. DeFuria of Belleville	2009
Joseph A. Fortunato of Upper Montclair	2009
Arthur S. Horn of Nutley	2009
Christina Accardi Mirada of Livingston	2009
Thomas M. Moore of Morristown	2009
Joanne M. Sarubbi of Short Hills	2009
Robert Cohen of Springfield	2006
Kristine H. O'Connor of Essex Falls	2006
Deborah Boone-Coy of Newark	2008
Anthony J. Cervasio of Nutley	2008
Bernard Ennis of Cedar Grove	2009
Maryanne Gerbauckas of Glen Ridge	2009

DISTRICT VI
(Hudson County)

Secretary: Jack Jay Wind of Jersey City

Jeffrey R. Jablonski of Kearny, Chair	2006
Mary K. Costello of Morris Plains, Vice Chair	2007
Gregory J. Castano, Jr. of West Caldwell	2006
Howard S. Feintuch of Jersey City	2006
Julien X. Neals of Secaucus	2006
Wendy J. Parmet of Jersey City	2006
Michael J. Dillon of Jersey City	2007
Paula J. Mercado of Parsippany	2007
Marybeth Rogers of Fairview	2007
Nadya M. Zerquera of Guttenberg	2007
Charles M. D'Amico of Union City	2008
Richard D. DeVita of Hoboken	2008
Susan A. McCurrie of Kearny	2008
Vincent J. Militello of Short Hills	2008
Donna R. Newman of Jersey City	2008
Nancy A. Skidmore of Secaucus	2008
Peter M. Weiner of Secaucus	2008
Antonio Coppola of Secaucus	2009
Mitzzy R. Galis-Menendez of Secaucus	2009

DISTRICT VII
(Mercer County)

Secretary: Alan G. Frank, Jr. of Trenton

Anthony M. Massi of Trenton, Chair	2006
Keith P. Jones of Princeton, Vice Chair	2007
Karen A. Confoy of Trenton	2006
Samuel M. Gaylord of Lawrenceville	2006
Susan J. Knispel of Trenton	2006
Anna M. Lascurain of Trenton	2006
Edith Saviola Brower of Trenton	2007
Bruce W. Clark of Princeton	2007
Scott A. Krasny of West Trenton	2007
Rachel Jeanne Lehr of Trenton	2007
Mitchell A. Livingston of Trenton	2007
Linda J. Mack of Lawrenceville	2007
Mala S. Narayanan of Trenton	2007
Charles J. Casale, Jr. of Trenton	2008
Matthew V. DelDuca of Princeton	2008
Robert Loyd Grundlock, Jr. of Princeton	2008
Elizabeth Walsh Kreger of Lawrenceville	2008
Robert S. Rothenberg of Princeton	2008
Betty Yan of Princeton	2008
Julie Cavanagh of Trenton	2009
Grace A. Dennigan of Princeton	2009
Harold W. George of Trenton	2009
Michael J. Mann of Princeton	2009
David E. Schafer of Trenton	2009
Sharon H. Press of Princeton	2006
B. Lynn Robinson of Columbus	2006
Frans M. Djourup of Princeton	2007
Patricia M. Hart of Trenton	2009

DISTRICT VIII
(Middlesex County)

Secretary: Manny Gerstein of Edison

Raymond P. DeMarco of Dunellen, Chair	2006
Howard Duff of Woodbridge, Vice Chair	2007
Michele Labrada of New Brunswick	2006
Barbara T. Lang of Piscataway	2006
Michael J. Rossignol of Piscataway	2006
Peter Tus-Man Tu of Plainsboro	2006
Hon. Barnett E. Hoffman, JSC of North Brunswick	2007
Allan Marain of New Brunswick	2007
Ellen F. Schwartz of Edison	2007
Charles J. Soos of Kendall Park	2007
Renee D. Anthony of New Brunswick	2008
Jennifer Leigh Bradshaw of Princeton	2008
Timothy M. Casey of Woodbridge	2008
Eileen M. Foley of North Brunswick	2008
Robert H. Goodwin of New Brunswick	2008
Mary A. Pidgeon of Princeton	2008
Maureen S. Binetti of Woodbridge	2009
Allen P. Comba of Woodbridge	2009

	Term Expires		Term Expires
Edward J. Rebenack of New Brunswick	2009	Michael R. O'Donnell of Morristown	2009
Gerald D. Siegel of Plainsboro	2009	Alice M. Plastoris of Morristown	2009
Howard H. Sims of Iselin	2009	Larry S. Raiken of Montville	2009
Dawn McPhee of New Brunswick	2006	J. Peter Borbas of Boonton	2006
Mable J. Casagrand of Metuchen	2007	Sherry E. Jorge of Hillsborough	2006
Arthur A. Gross of Woodbridge	2007	Mary E. Van Kirk of Morristown	2006
Jonathan P. Cowles of Colts Neck	2008	Susan King, MBA, CPA of Madison	2007
Odette A. Siggelakis-Andrew of East Brunswick	2009	Richard W. King, PE, PP of Madison	2007
Raymond Zirpolo of Woodbridge	2009	Carole O'Brien of New Vernon	2007
		Maria Saks of Denville	2008
		John K. Paoloni of Andover	2009
DISTRICT IX			
(Monmouth County)			
Secretary: Kathleen A. Sheedy of Red Bank			
James A. Paone, II of Freehold, Chair	2006		
Daniel L. Weiss of Paterson, Vice Chair	2007		
Scott J. Basen of Freehold	2006		
Julie S. Dasaro of Edison	2007		
Jane Marie Langseth of Little Silver	2007		
David P. Levine of West Long Branch	2007		
Elias Abilheira of Freehold	2008		
Gregg M. Hobbie of Shrewsbury	2008		
Joanne S. Nadell of Shrewsbury	2008		
Janice J. Venables of Manasquan	2008		
Dolores Pegram Wilson of Freehold	2008		
Marie A. Accardi of Tinton Falls	2009		
James Dustan Carton, IV of Manasquan	2009		
Charles Michael Crocco of Neptune	2009		
Jennifer Stone Hall of Red Bank	2009		
Samantha M. Keown of Asbury Park	2009		
Peter M. O'Mara of Ocean	2009		
Thomas F. Shebell, III of Ocean	2009		
Susan M. Schneider of Freehold	2006		
Melissa A. Keale of Fair Haven	2007		
Carol Ann Roche, Ph.D. of Spring Lake	2008		
Barbara J. Morrow of Freehold	2009		
John O'C. Nugent of Short Hills	2009		
DISTRICT X			
(Morris and Sussex Counties)			
Secretary: Bonnie C. Frost of Denville			
Kurt W. Krauss of Parsippany, Chair	2006		
Michael J. Riordan of Florham Park, Vice Chair	2007		
Peter K. Barber of Florham Park	2006		
John M. DeMarco of Morristown	2006		
Christopher J. McAuliffe of Mountain Lakes	2006		
James M. McCreedy of Morristown	2006		
James M. Porfido of Morristown	2006		
Moly K. Hung of Madison	2007		
Henry Ellis Klingeman of Madison	2007		
Fredric M. Knapp of Morristown	2007		
Kevin Thomas Kutyla of Hopatcong	2007		
Connie A. Matteo of Morristown	2007		
Laurie L. Newmark of Morristown	2007		
George D. Schonwald of Parsippany	2007		
Clifford J. Weininger of Denville	2007		
Richard J. Williams, Jr. of Morristown	2007		
Catherine M. Brown of Morristown	2008		
William O. Crutchlow of Edison	2008		
Robert W. McAndrew of Morristown	2008		
Dominic A. Tomaio of Morristown	2008		
Thomas L. Weisenbeck of Florham Park	2008		
Edgar M. Whiting of Parsippany	2008		
Bruce J. Ackerman of Hackensack	2009		
Arlene F. Albino of Sparta	2009		
David M. Blackwell of Morristown	2009		
Robin Christen Bogan of Morristown	2009		
Edwin F. Chociey of Morristown	2009		
Harry Frieland of Florham Park	2009		
Susan Karlovich of Newark	2009		
Carlos A. Medina of Hackettstown	2009		
DISTRICT XI			
(Passaic County)			
Secretary: Robert L. Stober of Clifton			
		Patrick J. Caserta of Wayne, Chair	2006
		Ralph M. Fava, Jr. of Hawthorne, Vice Chair	2007
		Ellen Jo Gold of Paterson	2006
		Maria J. LaSala of Wayne	2006
		Lawrence M. Maron of New Brunswick	2006
		Thomas M. Kaczka of Mountain Lakes	2007
		Robert Saul Molnar of Wayne	2007
		Patricia M. Petro of Wayne	2008
		John D. Pogorelec, Jr. of Clifton	2008
		A. W. Sala, Jr., of Clifton	2008
		Jeffrey James Trapanese of Little Falls	2008
		Karole A. Graves of Paterson	2009
		Nestor Guzman, Jr. of Paterson	2009
		Terence M. Scott of Clifton	2009
		Jackie Bonney of Wayne	2006
		Cristobal Collado of Paterson	2007
		Patricia M. Henry of Hackensack	2007
		Robert J. Lucibello of Hawthorne	2009
DISTRICT XII			
(Union County)			
Secretary: William B. Ziff of Westfield			
		Judith De Rosa of Cranford, Chair	2006
		Gary D. Nissenbaum of Union, Vice Chair	2007
		Bill R. Fenstemaker of Elizabeth	2006
		Marjorie B. Leffler-Wachtel of Westfield	2006
		Kenneth B. Rotter of Newark	2006
		Linda S. Ershow-Levenberg of Clark	2007
		Michael J. Keating of Cranford	2007
		Patricia A. Mack of Elizabeth	2007
		Michael Margello of Mountainside	2007
		Mark B. Watson of Springfield	2007
		Jane M. Coviello of Paramus	2008
		Richard S. Elmiger of Summit	2008
		Eric G. Kahn of Springfield	2008
		Anthony J. LaRusso of Westfield	2008
		Cindy K. Miller of Westfield	2008
		Louis H. Miron of Westfield	2008
		Carl A. Salisbury of Clark	2008
		Diane Stolbach of Springfield	2008
		Suzette Cavadas of Elizabeth	2009
		Robert L. Munoz Clark	2009
		Norman M. Murgado of Elizabeth	2009
		James T. Seery of Edison	2009
		Steven F. Wukovits of Cranford	2009
		Eugene Kertis, MD of Westfield	2007
		Andrea Mattingly of Berkeley Heights	2007
		Robert Ira Oberhand, M.D. of Westfield	2008
		Rose Brinker of Clark	2009

Term Expires

**DISTRICT XIII
(Hunterdon, Somerset and Warren Counties)**

Secretary: Donna P. Legband of Skillman

David W. Trombadore of Somerville, Vice Chair	2006
Sheryl M. Schwartz of Warren, Vice Chair	2007
Patrick T. Collins of Somerville	2006
William J. Courtney of Flemington	2006
J. Rebecca Goff of Whitehouse	2006
Lance J. Kalik of Morristown	2006
Nancy L. McDonald of Morristown	2006
Carol L. Perez of Whitehouse	2006
Kevin P. Kovacs of Bedminster	2007
Peter V. Abatemarco of Flemington	2008
Jerry S. D'Aniello of Somerville	2008
Jane Anne Herschenroder of Somerville	2008
Jeralyn L. Lawrence of Somerville	2008
Kimarie Rahill McDonald of Hackettstown	2008
JoAnne Byrnes of Flemington	2009
Robert J. Conroy of Bridgewater	2009
Joan S. Lavery of Hackettstown	2009
Michael J. Pasnik of Basking Ridge	2009
David Restaino of Lawrenceville	2009
Patricia S. Robinson of Somerset	2009
Carlos Sanchez of Bridgewater	2009
Stephen D. Williams of Flemington	2009
Paul McCormick of Flemington	2006
David J. Desiderio of Annandale	2007
George J. Sopko of Somerville	2008
Kathleen R. Dornback of Branchburg	2009

**RANDOM AUDIT
COMPLIANCE
PROGRAM**

Chapter Three



“A lawyer’s character is not to be determined by his transactions with the strong but by his dealings with the weak. It is not the integrity occasioned by compunction, but the moral fiber revealed in the midst of temptation that is the true measure of a man.”

Chief Justice Arthur T. Vanderbilt
In re Honig, 10 N.J. 252, 259 (1952)

THE PUBLIC TRUST

It is estimated that, on average, clients allow New Jersey lawyers to hold almost \$3 Billion dollars in mandatory IOLTA attorney trust accounts. Additionally, billions of dollars are handled by Garden State firms in separate attorney trust accounts and in other fiduciary accounts maintained in connection with estates, guardianships, receiverships, trusteeships and in other similar fiduciary capacities. As former Chief Justice Robert N. Wilentz said over a quarter of a century ago, clients trust the legal profession implicitly to safe keep their monies and property:

“Having sought his advice and relying on his expertise, the client entrusts the lawyer with the transaction including the handling of the client’s funds. Whether it be a real estate closing, the establishment of a trust, the purchase of a business, the investment of funds, the receipt of proceeds of litigation, or any one of a multitude of other situations, it is commonplace that the work of lawyers involves possession of their clients’ funds. That possession is sometimes expedient, occasionally simply customary, but usually essential. Whatever the need may be for the lawyer’s handling of clients’ money, the client permits it because he trusts the lawyer. It is a trust built on centuries of honesty and faithfulness. Some-times it is reinforced by personal knowledge of a particular lawyer’s integrity or a firm’s reputation. The underlying faith, however, is in the legal profession, the bar as an institution. No other explanation can account for clients’ customary willingness to entrust their funds to relative strangers simply because they are lawyers.” 81 *N.J.* 451, 454-455 (1979).

Such unwavering public trust requires thorough and responsible regulatory oversight on a continuous basis. This was the Jersey’s Random Audit established in 1978. The conducted financial audits four years, commencing in in the private practice of maintain trust and business are subject to random compliance. These law annually from the state’s database. The program of five full-time random member. The random auspices of the Court’s (OAE). This state has the program in the country. nation have operational Delaware, Washington, Carolina, Hawaii and

New Jersey’s a century are encouraging. overwhelming majority of account for clients’ funds random program identifies deficiencies, it also educates these deficiencies, as well as how they may be corrected. Practitioners then make corrections and certify their



foundation on which New Compliance Program was random program has actually of private law firms for twenty-1981. All law firms who engage New Jersey law are required to accounts in their practices and reviews for accounting firms are randomly selected Annual Attorney Registration maintains an experienced staff auditors and one support staff program is conducted under the Office of Attorney Ethics largest random auditing Only seven other states in the Random Audit Programs (Iowa, New Hampshire, North Kansas).

results over almost a quarter of They show that the New Jersey law firms (98.8%) without incident. While the minor record keeping lawyers about the causes of

compliance in writing. Serious ethical misconduct has been detected in just over one percent of all audits conducted.

RANDOM AUDIT PURPOSES

The random program serves multiple purposes in New Jersey. The central purpose is to insure compliance with the Court's stringent financial record keeping rules governing the handling of clients' funds and to educate law firms on the proper method of fulfilling their fiduciary obligations to clients. In this state this means making sure every law firm knows how to maintain records of clients' funds in accordance with *Rule 1:21-6*. Unquestionably, law firms owned by sole proprietors benefit most from this rule. Perhaps this explains the overwhelming support the program has experienced from practitioners and the bar of this state. By educating lawyers to proper



fiduciary procedures, accounting errors resulting from faulty methodology can be detected and corrected early, perhaps before an unknowing misappropriation occurs.

The second purpose underlying random audits is a by-product of the first: deterrence. Just knowing that there is an active auditing program is an incentive not only to keep good 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.

Finally, random audits serve the purpose of detecting misappropriation in those relatively small number of law firms where it occurs. Since the random selection process results, by definition, in selecting a representative cross-section of the New Jersey Bar, a few audits inevitably uncover lawyer theft, even though this is not the primary purpose of the program. These cases are discussed later under the heading "Disciplinary Action."

SELECTION, STANDARDS and SCHEDULING

One of the keys to the integrity of the random program lies in the assurance that no law firm is chosen for audit except by random selection. Webster's Dictionary defines "random" as "lacking or seeming to lack a regular plan; chosen at random."

In New Jersey, the actual selection is computer-generated based on a Microsoft algorithm for randomness. The selection utilizes the main law office telephone number provided by attorneys on their Annual Attorney Registration Statement (**Chapter 5**) as an identifier for the law firm in the random selection process. The selection is made on a statewide basis and not by county. The Court approved this methodology in 1991 as the fairest and most unbiased selection process possible, because it insured that each law firm, regardless of size, has an equal chance of being selected.

The New Jersey Record Keeping *Rule 1:21-6* is the measuring standard for all audits. Combined with Rule of Professional Conduct 1.15, case law, advisory opinions and generally accepted accounting principles, the New Jersey attorney trust and business accounting requirements are among the most detailed in the country.

All attorneys who practice law privately 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. All trust accounts must be uniformly and prominently designated "Attorney Trust Account." All business accounts are required to be prominently designated as either "Attorney Business Account," "Attorney Professional Account," or "Attorney Office Account." All required books and records have to be maintained for a period of seven years. These required records must be made available for inspection by random audit personnel. The confidentiality of all audited records is maintained at all times.

I would also like to take the opportunity with this letter of thanking your representative . . . for (the) thorough explanation and helpful suggestions going forward as to how to improve the record keeping of our firm and to bring same into full compliance with the Court's requirements.

A FIVE-PERSON ESSEX COUNTY FIRM

New Jersey uses a statewide approach to audit selection. Once an annual, statewide selection has been made, scheduling generally proceeds in the order of selection. Random audits are always scheduled in writing ten days to two weeks in advance, so as not to unduly interfere with the law firm's work schedule. At the outset of the program some attorneys argued that audits could only be effective if they were unannounced, surprise audits. Many members of the bar pointed out, however, that unscheduled audits would also be a surprise to clients who happened to be in the audited attorney's office as well. Thus, the audits could be a disservice to the immediate clients as well as a total disruption of the law firm's daily, planned business activities. This would be particularly true for the sole practice firm. The total program experience to date indicates that announced audits do not interfere with the auditor's ability to detect either record keeping deficiencies or serious trust violations where they exist. While the audit date originally scheduled is firm, requests for adjournments are given close attention. The selected law firm is advised in the scheduling letter to have available all records required under *Rule 1:21-6*, including bank statements, canceled checks, checkbook stubs, duplicate deposit slips and receipts and disbursements journals for both the business and trust account covering a two year period.

CONFERENCE, EXAMINATION and EXIT INTERVIEW

After arriving at the law firm, the auditor conducts an initial interview with the managing attorney in order to determine the general nature, type and volume of the practice, as well as the general format of existing records. The auditor then conducts a physical inspection of the required books and records for both the trust and business accounts. The heart of the review and audit is the examination and testing of the law firm's financial record keeping system.

Your compliance auditor was extremely courteous, friendly and helpful. I trust that this will be the last audit of my career.

A CAPE MAY COUNTY SOLE-PRACTITIONER

At the conclusion of the audit, which averages one full day for the typical small-firm practitioner, the auditor offers to confer with the managing attorney in an exit conference to review and explain the findings. Since the principal objective of the audit program is compliance with the record keeping rule, the exit conference represents perhaps the most important part of the audit. It is here that

the law firm is made aware of any accounting shortcomings, as well as findings and weaknesses in the present financial operation. The managing attorney is given a deficiency checklist, which highlights necessary corrective action. Even where there are no corrections necessary in order to bring the firm into compliance with the record keeping rule, the auditor may suggest improvements that will make the firm's job of monitoring client funds easier.

DEFICIENCY NOTICE

Within several weeks following the conclusion of the audit, a written deficiency letter is sent to the law firm describing any shortcomings for which corrective action is necessary. The firm is required to make all corrections within 45 days of the date of the letter and then must certify in writing within that time period that all corrective actions have, in fact, been completed. If the confirming letter is received from the attorney, the case is closed administratively. If a confirming letter is not received, a final ten-day letter is sent advising the law firm that, if no confirming letter is received within ten days stating that all necessary corrective action has been taken, a disciplinary complaint will be issued. To date, it has been necessary to file only a few disciplinary complaints due to an attorney's refusal to correct deficiencies. Discipline is uniformly imposed for such failures. *In re Macias*, 121 N.J. 243 (1990); *In re Schlem*, 165 N.J. 536 (2000).

I would also like to take this opportunity to commend the auditor who visited my office for (the auditor's) professionalism and courtesy.

**A GLOUCESTER COUNTY SOLE-
PRACTITIONER**

RANDOM PERSONNEL

The Random Audit Program is conducted under the auspices of the OAE. This group consists of a Chief Auditor, who is both a lawyer and a Certified Public Accountant, an Assistant Chief Auditor, two Senior Random Auditors, one of whom is also a lawyer, and one Random Auditor. All auditors have had substantial private or public sector accounting experience. Secretary Ruth Bailey assists these individuals. The Chief Auditor and all staff are appointed by the Director of the OAE, subject to the approval of the Chief Justice of the Supreme Court of New Jersey. Random audit personnel are full-time employees and all random audits are performed in-house. The use of full-time, experienced auditors insures the development of expertise in legal practice, uniformity of audit approach and also, maximizes the program's ability to detect misappropriations when they occur.

Robert J. Prihoda, Chief, Random Audit Program

Joined OAE 1981

Education: B.S. Trenton State College 1977; J.D. Rutgers School of Law Camden 1993

Accounting Experience: Auditor, Division of Taxation, New Jersey Transfer Inheritance Tax Bureau (1978-79); Auditor, Administrative Office of the Courts, Trust and Special Funds (1979-81).

Related Experience: Certified Public Accountant for New Jersey; Member American Institute of CPA's; Admitted to New Jersey and Pennsylvania Bars (1993).

Mary E. Waldman, Assistant Chief Random Auditor

Joined OAE 1988

Education: B.S. Rider University 1984

Accounting Experience: Auditor, New Jersey National Bank (1984-85); Senior Audit Examiner, First Fidelity Bank (1986-88).

Related Experience: Certified Fraud Examiner (2006).

Mimi Lakind, Senior Random Auditor

Joined OAE 1984

Education: B.A. Summa Cum Laude 1978, M.A. Magna Cum Laude William Paterson College 1985; J.D. Cum Laude Seton Hall University School of Law 1993.

Accounting Experience: Bookkeeper, I. Mirsky & Co. (1972-76); Accountant, Global Distributors (1977-81); Accountant, Lowenstein, Sandler, Esqs. (1982-83).

Related Experience: Admitted to New Jersey and Pennsylvania Bars (1993); Member, American Mensa Limited.

Karen J. Hagerman, Senior Random Auditor

Joined OAE 1995

Education: B.A. Monmouth University 1991

Accounting Experience: Auditor, New Jersey Natural Gas Co. (1987-90); Senior Auditor, Midlantic Bank, N.A. (1990-95).

Related Experience: Certified Fraud Examiner (2006).

Joseph R. Strieffler, Jr., Random Auditor

Joined OAE 1998

Education: B.A. Holy Family College 1995

Accounting Experience: Billing Specialist, Keystone Health Plan East (1993-95); Financial Analyst, Independence Blue Cross (1995-98).

EDUCATION FOR TRUST ACCOUNTING

As an integral part of the random program, New Jersey has developed a systematic process for educating all lawyers on proper trust and business accounting procedures. Since 1987, the Court mandates that each newly admitted attorney take a course that includes this important subject. This course is offered several times per year and is conducted by the New Jersey Institute for Continuing Legal Education.

In addition, the Director of the OAE has published a book entitled *Trust and Business Accounting for Attorneys* (6th Edition 2006), which is available to all attorneys directly from the Institute for Continuing Legal

I would like to thank your office . . . for (your) courtesy and professionalism in conducting the audit. (The auditor's) instructions were very helpful and we do appreciate the time . . . spent with us.

A SUSSEX COUNTY SOLE-PRACTITIONER

Education. This work has been cited with approval outside this state. The Board of Professional Responsibility of the Supreme Court of Tennessee adopted the treatise in part in its Formal Ethics Opinion 89-F-121 entitled *The Mechanics of Trust Accounting*. The California State

Bar also produced a handbook in 1993 based upon New Jersey's work and the Attorney Registration and Discipline Commission of the Supreme Court of Illinois also received permission to use the New Jersey book in 2001 as the basis for its *Client Trust Account Handbook*.

Annually, all lawyers receive an attorney registration statement that requires all private practitioners to list their primary trust account and business account and to certify their compliance with the record keeping requirements of *Rule 1:21-6*. A reproduction of that rule is included in the annual mailing. The program also publishes a brochure entitled *New Jersey Attorney's Guide to the Random Audit Program and Attorney Trust Accounts and Record Keeping*. Since 1996, that brochure is sent to all private practice law firms, together with the initial random audit scheduling letter.

Moreover, detailed information on the program is also on the OAE's website (**Figure 17**). This site can be found at the Judiciary's homepage at www.courtsonline.com. Once at the homepage, go to the directory on the left side under "Attorney Regulation" and then select "Office of Attorney Ethics." Once at that site, select the "Random Audit" link.

I thank the examiner for his help in clarifying several procedural issues during his visit with us and assure you that we will continue to remain compliant with all of the Rules.

A FOUR-PERSON MORRIS COUNTY FIRM

RAP WEBPAGE

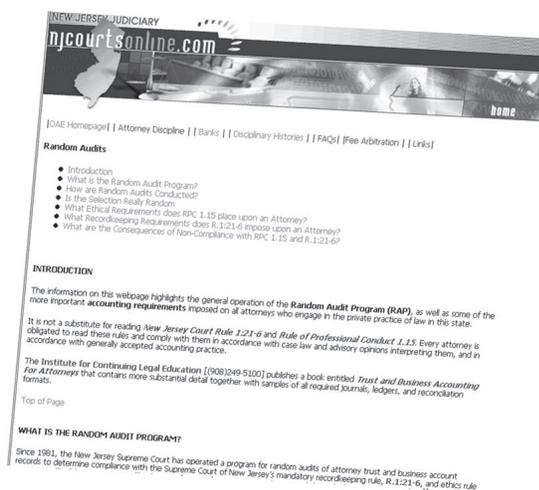


Figure 17

DISCIPLINARY ACTION

The random program is designed to insure public accountability and to check compliance with the attorney record keeping rules. Nevertheless, the staff of experienced auditors has uncovered a small, but significant, number of cases of lawyer theft and other serious financial violations.

During the twenty-four year period from July 1981, when audits first began, through December 31, 2005, serious financial misconduct by 110 attorneys was detected solely as a result of being randomly selected for audit. These attorneys received the following discipline for their violations: 59 attorneys were disbarred, 15 were suspended for periods of three months to two years, 27 were reprimanded, one was transferred to disability-inactive status and eight received admonitions. The vast majority of the matters detected were very serious disciplinary cases that resulted in disbarment or suspension. Disbarred (59) and suspended (15) attorneys account for more than two-thirds of all disciplined attorneys (67%). A complete list of all disbarred attorneys is shown as **Figure 18**.

However, even this discussion does not begin to adequately emphasize the real importance of the role of the random program over the past 24 years and the monies saved by the Lawyers' Fund for Client Protection (the Fund). To truly appreciate the effectiveness of the random program, one need only contemplate how many more millions of dollars these lawyers would have continued to misappropriate during this period if our program had not detected and disciplined them when it did. Moreover, deterrence is acknowledged to be a factor in all random-type programs (e.g. bank examiner's audits, DWI checkpoints, etc.). While it is not easy to quantify the number of attorneys who were deterred or the millions of dollars in thefts that were prevented due to a credible and effective random audit program, the deterrent effect is, nevertheless, an important and undeniable component of this effort.

During calendar year 2005, the Court finally disciplined four attorneys who committed serious ethical violations. These attorneys were detected solely by the program. Bergen County practitioner Michael F. Sassano of Bergen County was disbarred by consent on May 10, 2005 (184 *N.J.* 1) for knowingly misappropriating over \$250,000 of clients' trust funds; Craig E. Parles was disbarred by consent on June 21, 2005 (184 *N.J.* 69) for knowingly misappropriating clients' trust funds in an amount exceeding \$24,000; Marvin S. Davidson from Essex County received a reprimand on March 8, 2005 (182 *N.J.* 587) for negligently misappropriating client trust funds totaling more than \$28,000 and failing to reconcile his attorney trust account, as required by R.1:21-6; and Burlington County practitioner John S. Conroy IV was reprimanded on November 1, 2005 (185 *N.J.* 277)

for negligently misappropriating \$2,800 from his trust account caused by his failing to maintain trust account records in accordance with *R.1:21-6*.

DISBARMENTS THROUGH RANDOM AUDITS

<u>Attorney</u>	<u>County</u>	<u>Sanction</u>	<u>Citation</u>	<u>Year</u>
Alongi, Paul	Essex	Disbarment By Consent	110 N.J. 694	1988
Armellino, Nicholas	Hudson	Disbarment By Consent	149 N.J. 275	1997
Auriemma, Robert C.	Morris	Disbarment By Consent	147 N.J. 508	1997
Barlow, Dennis M.	Essex	Disbarment	140 N.J. 191	1995
Bell, Daniel S.	Essex	Disbarment By Consent	162 N.J. 184	2000
Black, Douglas P.	Monmouth	Disbarment By Consent	144 N.J. 475	1996
Bernardez, Juliet O.	Hudson	Disbarment By Consent	138 N.J. 40	1994
Blumenstyk, Larry	Morris	Disbarment	152 N.J. 158	1997
Boyadjis, Andreas A.	Morris	Disbarment By Consent	112 N.J. 618	1988
Brasno, Andrew T., Jr.	Middlesex	Disbarment	171 N.J. 341	2002
Briscoe, John F.	Ocean	Disbarment By Consent	Unreported	1987
Bryant, Donald	Mercer	Disbarment By Consent	117 N.J. 676	1989
Buda, David N.	Bergen	Disbarment By Consent	178 N.J. 257	2003
Calise, Francis T.	Passaic	Disbarment By Consent	135 N.J. 78	1994
Callahan, John E.	Union	Disbarment	162 N.J. 182	1999
Combes, Charles L.	Bergen	Disbarment By Consent	116 N.J. 778	1989
Conway, Charles D.	Ocean	Disbarment By Consent	167 N.J. 207	2003
Cronin, Clinton E.	Ocean	Disbarment	146 N.J. 487	1996
Dare, Paul W.	Cape May	Disbarment By Consent	180 N.J. 114	2004
DiLieto, Louis	Monmouth	Disbarment	142 N.J. 492	1995
Franco, Leonard H.	Hudson	Disbarment By Consent	169 N.J. 386	2001
Freimark, Lewis B.	Essex	Disbarment	152 N.J. 45	1997
Gourley, Joseph J.D.	Passaic	Disbarment By Consent	131 N.J. 174	1993
Grady, John W.	Bergen	Disbarment By Consent	100 N.J. 686	1985
Haeberle, M. Gene	Camden	Disbarment By Consent	105 N.J. 606	1987
Hahne, Richard H.	Essex	Disbarment By Consent	110 N.J. 701	1988
Helt, Jay G.	Monmouth	Disbarment By Consent	171 N.J. 29	2002
Heath, Steven E.	Monmouth	Disbarment By Consent	142 N.J. 483	1995
Henchy, Michael T.	Morris	Disbarment By Consent	138 N.J. 183	1994
Holden, Edward T.	Monmouth	Disbarment By Consent	155 N.J. 598	1998
Horton, Richard G.	Somerset	Disbarment By Consent	132 N.J. 266	1993
Houston, James F.	Monmouth	Disbarment	130 N.J. 382	1992
Hurd, Calvin J.	Union	Disbarment By Consent	98 N.J. 617	1985
Kern, Walter M.D., Jr.	Bergen	Disbarment By Consent	109 N.J. 635	1987
Kramer, Arthur B.	Union	Disbarment	113 N.J. 553	1989
LeBar, Geoffrey P.	Bergen	Disbarment	150 N.J. 14	1997
Lennan, John R.	Bergen	Disbarment	102 N.J. 518	1986
Mogck, John J., III	Burlington	Disbarment By Consent	130 N.J. 386	1992
Mysak, Charles J.	Passaic	Disbarment	113 N.J. 553	1989
Needle, Emauel H.	Essex	Disbarment	180 N.J. 300	2004
Nitti, Louis J.	Essex	Disbarment	110 N.J. 321	1988
Parles, Craig E.	Bergen	Disbarment by Consent	184 N.J. 69	2005
Ratliff, John H.	Somerset	Disbarment By Consent	126 N.J. 303	1991
Ross, Norman L.	Passaic	Disbarment By Consent	162 N.J. 193	2000
Ryle, Dion F.	Burlington	Disbarment	105 N.J. 10	1987
Saltzberg, Edwin F.	Camden	Disbarment By Consent	103 N.J. 700	1986
Sassano, Michael F.	Bergen	Disbarment By Consent	184 N.J. 1	2005
Schwartz, Ira A.	Passaic	Disbarment By Consent	134 N.J. 530	1993
Sederlund, Elaine H.	Hudson	Disbarment By Consent	106 N.J. 651	1987
Silber, Benjamin A.	Salem	Disbarment By Consent	175 N.J. 552	2003
Spritzer, Henry M.	Middlesex	Disbarment By Consent	165 N.J. 520	2000
Tighe, Charles I., III	Burlington	Disbarment By Consent	143 N.J. 298	1996
Untracht, Gary H.	Somerset	Disbarment	174 N.J. 344	2002
Vogel, Peter S.	Bergen	Disbarment By Consent	165 N.J. 202	2000
Waldron, James J., Jr.	Mercer	Disbarment By Consent	152 N.J. 18	1987
Warhaftig, Arnold M.	Union	Disbarment	106 N.J. 529	1987
Williams, Kenneth H.	Essex	Disbarment By Consent	117 N.J. 686	1989
Wright, William, Jr.	Essex	Disbarment	163 N.J. 133	2000

Figure 18

**FEE
ARBITRATION
SYSTEM**

Chapter Four



“The policy underlying the fee arbitration system is the promotion of public confidence in the bar and the judicial system.”

‘If it is true - and we believe it is - that public confidence in the judicial system is as important as the excellence of the system itself, and if it is also true - as we believe it is - that a substantial factor that erodes public confidence is fee disputes, then any equitable method of resolving those in a way that is clearly fair to the client should be adopted... . The least we owe to the public is a swift, fair and inexpensive method of resolving fee disputes.’” (Quoting from *In re LiVolsi*, 85 N.J. 576, 601-602 (1981).)

Associate Justice James H. Coleman, Jr.
Saffer v. Willoughby, 143 N.J. 256, 263 (1996)

2005 STATISTICS

District fee arbitration committees handled a total of 1,479 disputes over lawyers' fees in 2005. That total consisted of 498 matters carried over from 2004 and 981 new filings. For the first time in the last five years, the fee arbitration system disposed of fewer cases than were added (**Figure 19**). As a result, the number of cases pending at year's end increased from 498 last year to 554 this year. This increase in the number of pending cases at year's end is not a concern. The average number of cases pending before each of the 17 district fee arbitration committees remains at a manageable level of just over 32 cases per district. Fee committees are served by over 293 volunteer attorneys and public members. Their work is coordinated and administered by the Office of Attorney Ethics (OAE), aided by a statewide computer database that tracks all fee cases.

FEE ARBITRATION TRENDS

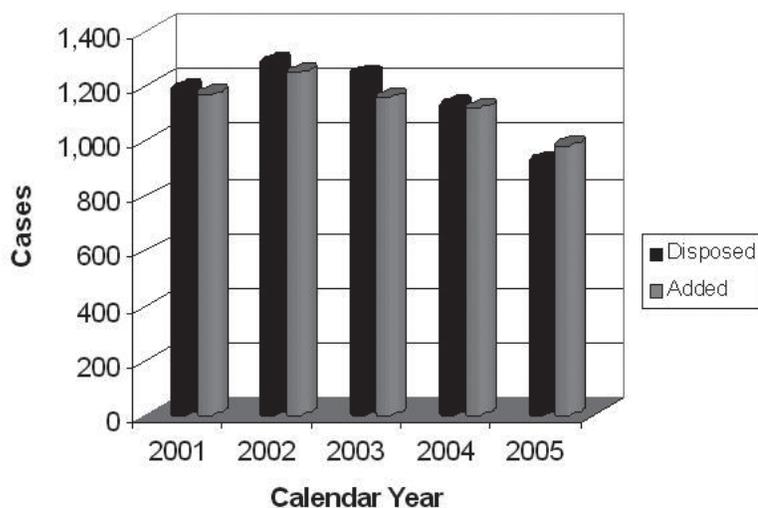


Figure 19

FEE ADMINISTRATION AND ORIGINS

New Jersey's statewide mandatory fee arbitration system was created by the Supreme Court of New Jersey (Court) some twenty-eight years ago in 1978. The purpose of the fee system is to deal solely with attorney-client fee disputes. Previously, both ethical complaints and fee disputes were heard by the same committee. Separation of these functions was a recognition of the fact that fee disputes are not disciplinary matters and deserve their own separate forum. As a result, the Attorney Fee Arbitration System in New Jersey operates independently of the attorney disciplinary system.

The State's fee program was the second in the country, behind Alaska, to see the wisdom of offering clients and attorneys an inexpensive, fast and confidential method of resolving fee disagreements on a mandatory, statewide basis. Today, New Jersey remains one of only a handful of states to offer a mandatory, statewide

program. Other such programs exist in Alaska, California, District of Columbia, Maine, New York, Montana, North Carolina and Wyoming. These programs offer a real remedy to clients who believe that they have been charged more than a reasonable fee. Its speed, confidentiality and low costs are also beneficial to lawyers and to clients. Lawyers in New Jersey are required to notify their clients of the availability of fee arbitration prior to bringing a lawsuit for legal fees. If a client chooses fee arbitration, the lawyer must arbitrate the matters.

The fee arbitration process is quite streamlined. It is a two-tiered system that operates statewide. **Figure 20** The OAE administers it. Deputy Ethics Counsel John McGill, III is the OAE's part-time Statewide Fee Coordinator. Fee Assistant, Gerry M. Stults, Secretary Lavette D. Mims and Support Staff Mary Zienowicz, assist him on a part-time basis. Fee arbitration is conducted on two levels: 17 District Fee Arbitration Committees; and the Statewide Disciplinary Review Board (Review Board).

Fee Arbitration System



Figure 20

COMMENCING ARBITRATION



Figure 21

Fee arbitration is initiated when a client files an arbitration request form with the secretary of the committee in a district where the lawyer maintains an office for the practice of law. Both the client and attorney are required to pay a \$50 administrative filing fee for utilizing the fee arbitration system. Fee committees have jurisdiction irrespective of whether the attorney has been “suspended, resigned, disbarred or transferred to ‘disability-inactive’ status since the fee was incurred.” *R 1:20A-3(a)*. District fee committees are organized along geographic lines that are identical to ethics committee districts. **Figure 21.**

Since attorney participation in New Jersey’s fee program is compulsory, the request form requires that the client also consent to be bound by the results of the fee arbitration process. In order to ensure that consent is informed, all fee secretaries provide clients with a “Fee Information Pamphlet,” which explains the process. Fee committees adjudicate fee controversies between lawyers and clients. They do not render advisory opinions. To assist lawyers who have questions about the ethical propriety of certain types of fee provisions or agreements, or to answer general ethical questions, the Court has established an Advisory Committee on Professional Ethics, which renders advisory opinions.

PROCEDURES FOLLOWED

In fee matters, the burden of proof is on the attorney to prove, by a preponderance of the evidence, that the fee charged is reasonable. In accordance with Rule of Professional Conduct 1.5, there are at least eight factors that may be considered in establishing the reasonableness of a fee: the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly; the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer; the fee customarily charged in the locality for similar legal services; the amount involved and the results obtained; the time limitations imposed by the client or by the circumstances; the nature and length of the professional relationship with the client; the experience, reputation, and ability of the lawyer or lawyers performing the services; and whether the fee is fixed or contingent.

After a fee arbitration request form has been filed with the secretary, a questionnaire, called an Attorney Fee Response Form, is sent to the attorney. In addition to requesting a copy of the bill, any written fee agreement and any time records, the attorney is required to reply to the client’s statement as to why the client disagrees with the attorney’s bill. The attorney must serve a copy of the Attorney Fee Response on the client and must file copies with the secretary, along with the \$50 administrative filing fee, within 20 days after the attorney’s receipt of the client’s initial request for arbitration. Within that same period, the attorney may join as a third party, any other “attorney or law firm which the original attorney alleges is ... ‘potentially liable in whole or part for the fee...’” *Rule 1:20A-3(b)*. At any time thereafter, the matter can be set down for a hearing. **Figure 22.**

HEARINGS

Cases involving fees of \$3,000 or more are heard before panels of three members, usually composed of two lawyers and one public member. Fee committees have been composed of both lawyers and public members since April 1, 1979. Public member participation in the decision-making process is a particular strength of New Jersey's system. Hearings are scheduled on at least ten days' written notice. There is no discovery. However, all parties have the power of subpoena, subject to rules of relevancy and materiality. No stenographic or other transcript of the proceedings is maintained, except in exceptional circumstances at the direction of the Review Board or the Director, OAE. All proceedings are conducted formally and in private, but the strict rules of evidence need not be observed. 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 committee. A written arbitration determination, with a brief statement of reasons annexed, is prepared usually within thirty days. The secretary mails the decision to the parties, who are notified of their rights to appeal to the Review Board.

The parties may always settle a matter at any time, either before or during a hearing. After a request for fee arbitration is initially filed by the client, the attorney may initiate a discussion about settling the case by making an agreed adjustment in the legal fee. Settlement discussions also frequently occur on the date set for the arbitration hearing, while the parties are together waiting for their case to be called. During 2005, just under 30% of all cases handled by fee committees were closed due to a settlement by the parties. If a case is amicably resolved by the parties, they are asked to complete a Stipulation of Settlement form and return it to the committee secretary. The benefit of executing this settlement form is that it is a binding document which preserves the rights of either party to enforce the settlement in the event that one of them fails to comply with the terms of the agreement.

APPELLATE REVIEW

A limited right of appeal to the Review Board is provided. **Figure 22.** The grounds for appeal are as follows: 1) failure of a member to be disqualified in accordance with *R. 1:12-1*; 2) failure of the committee to substantially comply with substantial procedural requirements; 3) actual fraud on the part of any member of the committee; and 4) palpable mistake of law by the fee committee, which mistake has 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 Review Board. Timely filing of a notice of appeal acts as an automatic stay of execution on any judgment obtained on the fee committee's determination. All appeals are heard by the Review Board on the record. Its decision is final. There is no right of appeal to the Court.

ANNUAL FILINGS

The number of filings has shown a 16% decrease since 2001 when a total of 1,168 new fee matters were docketed. Fee arbitration filings decreased in each of the last four years. **Figure 23.** This decline may be attributable to several factors. A primary dynamic appears to be the improving economy, which seems to decrease the number of fee contests. Another factor may be the screening authority exercised by fee secretaries under *Rule 1:20A-2(d)*. This rule authorizes the fee secretary to resolve all questions of jurisdiction at the time a fee request is filed. Rather than accepting filing fees and docketing matters of questionable jurisdiction, only to have these matters later dismissed by the committee for that reason, the fee secretaries are pro-active in exercising their jurisdictional review function under this rule. This heightened sensitivity to jurisdictional issues not only protects the parties from the payment of unnecessary filing fees where the committees obviously lack jurisdiction (for example where the fee was previously determined by court order), but it helps to ensure efficient use of valuable committee time.

Arbitration Flowchart

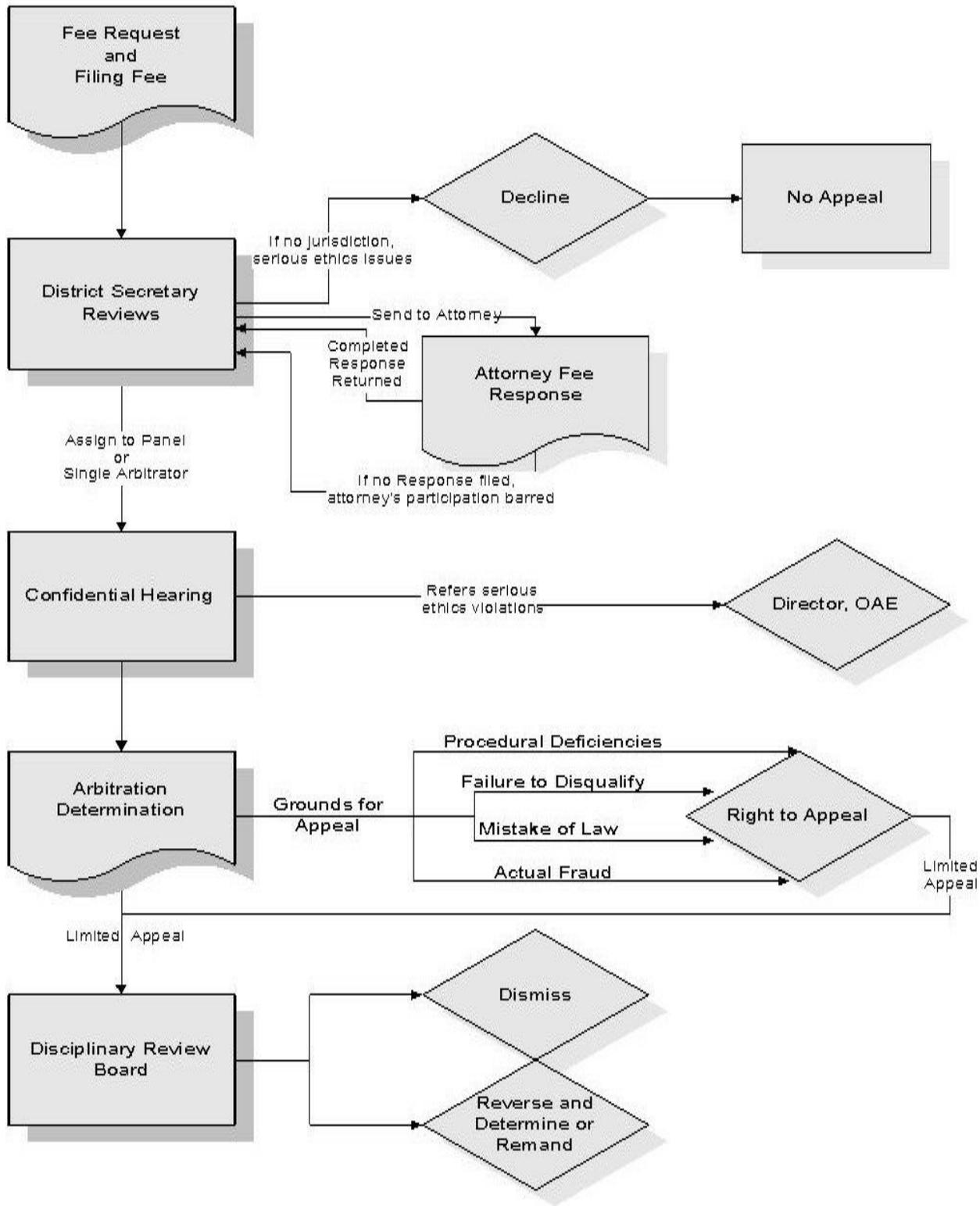


Figure 22

Changes In Fee Disputes			
Year	Filings	Change	Overall
2005	981	-6.7%	-16%
2004	1,119	-7.1%	
2003	1,157	-3.3%	
2002	1,246	-12.3%	
2001	1,168	---	

Figure 23

Fee arbitration remains a popular alternative to civil litigation. Lawyers are required to specifically notify clients of the availability of fee arbitration as a prerequisite to filing a lawsuit to recover a fee. *R. 1:20A-6*. As a result, clients are aware of and continue to take advantage of the fee arbitration system. This is not surprising since fee arbitration presents a simple, less threatening and more expeditious alternative to civil litigation.

NATURE OF CASES

The type of legal matter handled is a primary factor in determining which clients will resort to fee arbitration. Domestic relations matters (including matrimonial, support and custody cases) generate the most fee disputes. **Figure 24**. During 2005, 36.1% of all fee disputes filed arose out of this type of practice. This represents a decrease over domestic relations cases filed a year earlier when they accounted for 39.2% of all filings. Historically, family actions have always ranked first in this category, given the extreme emotional and often volatile nature of these matters. Efforts in this state are ongoing to minimize fee disputes in this area. In

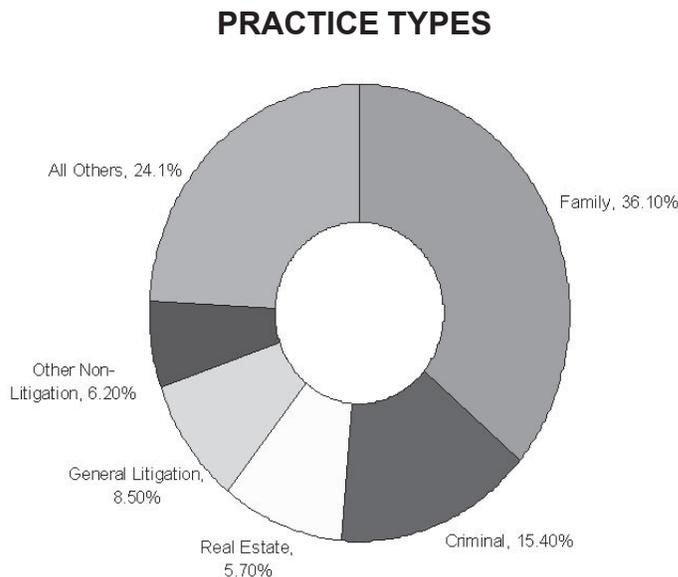


Figure 24

1982, the Court adopted *R. 1:21-7A* regarding retainer agreements in family actions. That rule required all such agreements for legal services to be in writing and signed by both the lawyer and the client. The rule further provided that a signed duplicate copy of the fee agreement be delivered to the client. In 1999, an even more comprehensive rule was adopted, *R. 5:3-5*, which continues the written fee agreement requirements of the former rule. In addition, it requires that the agreement must provide for periodic billing at least every 90 days and that the agreement have annexed a statement of client's rights and responsibilities. It also prohibits charging "non-refundable retainers and the holding of mortgages or other liens on clients' property to secure a fee in family actions."

New Jersey became the first state in the nation to adopt the American Bar Association's Model Rules of Professional Conduct in 1984. Under *RPC 1.5(d)* contingent fees may not be based on securing a divorce, the amount of alimony or support, or the amount of the property settlement reached. This prohibition is also included under new *R. 5:3-5*. Moreover, *RPC 1.5(b)* governing "Fees," as modified for adoption in New Jersey, ensures communications on all fees between lawyers and clients at the inception of the relationship. The New Jersey rule provides that, not only in matrimonial matters, but also in all actions:

When the lawyer has not regularly represented the client, the basis or rate for the fee shall be communicated in writing to the client before or within a reasonable time after commencing the representation.

Criminal matters (including indictable, quasi-criminal and municipal court cases) rank second in frequency of generating fee arbitration proceedings. Criminal cases account for 15.4% of all fee disputes filed, up from 13.2% last year. As with Matrimonial cases, contingent fees are prohibited as a matter of policy in Criminal cases. Third place was taken by Real Estate matters at 9.2%. This was a considerable jump from 5.7% last year. General Litigation came in fourth, accounting for 9.0% of all filings this year, compared to 8.5% in 2004. The category of “Other Non-Litigation” disputes stood fifth at 6.2%, up slightly from 5.3% last year. Rounding out the top practice areas were Contract actions (5%), Estate/Probate disputes (4.2%), Bankruptcy/Insolvency/Foreclosure matters, with 2.7% and Negligence matters at 2%.

CASELOAD AGE

More than seven out of every ten (70.8%) fee disputes disposed of (925) in 2005 had an average age of less than 180 days. **Figure 25.** This figure is virtually unchanged from last year (70.5%). The percent of the oldest cases (i.e. those over one year old) also remained almost the same this year at 9.8% versus 9.7% in 2004. Cases in the mid range - from 6 to 12 months of age - decreased slightly from 19.8% last year to 19.4% in 2005. The overall average disposed age remained the same at 172 days in 2005. At the end of calendar year 2005, there were a total of 554 cases pending. This compares to 498 matters at the conclusion of 2004.

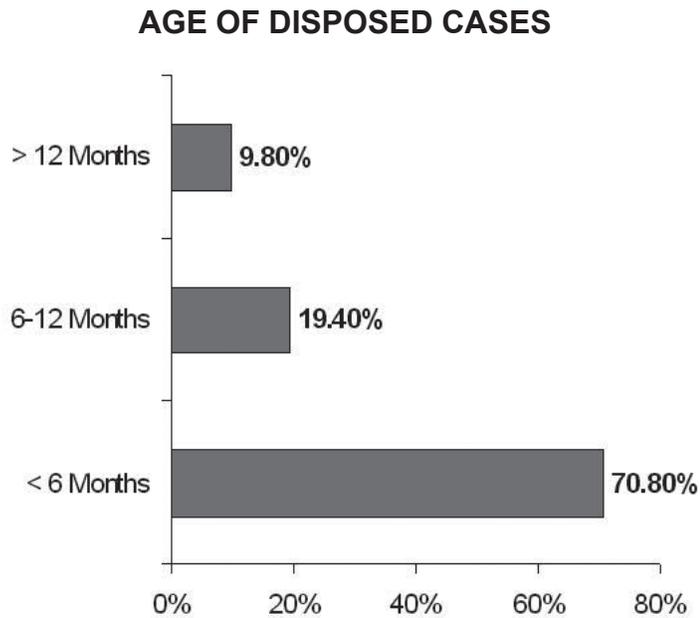


Figure 25

NATURE OF DISPOSITIONS

Of the 927 cases disposed of by the fee committees in 2005, 88% were either arbitrated by fee committees (59% or 543 cases) or settled by the parties voluntarily (29% or 271 cases) after fee arbitration was initiated. The percentage of formal determinations for 2005 (59%) was less than the 64% in 2004. Settled matters comprised 29% of year 2005 dispositions, up slightly from 27% last year. Clients voluntarily withdrew over 1% of all cases disposed.

Fee committees declined to arbitrate just over 3% of all cases for jurisdictional reasons pursuant to *R. 1:20A-2*, where, for example, a court had already determined the fee to be reasonable or where the primary issues raised substantial legal questions in addition to the basic fee dispute. Less than one-half of one percent of all cases were transferred to a different district for hearing due to a conflict of interest on the part of a member of a fee committee or because the fee dispute was originally filed in the wrong district. The OAE disposed the remained 5.5% of the cases primarily by administrative dismissal. Such dispositions occur for a variety of reasons, including death of an attorney or client, failure of a client to respond to repeated notices of hearing and repeated relocations by a client who was incarcerated in prison so as to make scheduling of hearings impractical.

MONETARY RESULTS

Fee committees disposed of 927 cases (88% of all dispositions) through formal determinations and voluntary settlements by the parties. These cases involved total billings by New Jersey attorneys in the amount of \$12,052,795. This represents a 25% decrease over the 2004 total of \$16,092,611 settled or arbitrated.

During 2005, the committees conducted 543 hearings involving \$8,022,234 in total attorney's fees charged. In 37% of the cases (201 hearings), they upheld the attorney's fees in full. In the remaining 63% of the fee cases (342 hearings), they reduced the reduced the fees by a total of \$1,273,165, which represents 26% of the total billings subject to reduction.

Since the parties are not required to provide specific details in settled matters, available information is incomplete. In the 271 reported settlements, the original billings totaled \$4,030,561. The clients agreed to pay the entire fee charged in only 16 (6%) of the 271 settlements. In the remaining 255 settlements, the attorneys and clients agreed to voluntarily reduce fees by 68%, or \$2,514,109.

The amount of reductions was specifically analyzed in ranges of from less than \$100 up to \$20,001 to \$50,000. In over 55% of the hearings resulting in a reduction, the dollar amount of the reduction was between \$251 and \$2,000. In settled matters, 24% of the cases involved reductions in the \$251 to \$2,000 range. The average bill in cases formally determined was \$14,774 while the average reduction in these matters was \$3,723.

In New Jersey, tort cases, including most negligence matters, have long been the subject of fee limitations. *Rule 1:21-7*, which has been in existence since 1971, requires written contingent fee agreements with clients in negligence matters and almost all other matters based on the tortious conduct of another. These contingent fees are subject to specific maximum limits, as follows:

- 33.3% on the first \$500,000 recovered;
- 30% on the next \$500,000 recovered;
- 25% on the next \$500,000 recovered;
- 20% on the next \$500,000 recovered; and
- On all amounts recovered in excess of the above, by application for reasonable fees.

Tort fees recovered for the benefit of a child or an incompetent are also subject to the limits above, if the fee is contingent. However, where the amount so recovered is by settlement without trial, the fee may not exceed 25%. As a result of the adoption of the Rules of Professional Conduct, all contingent fee agreements, regardless of type, must be in writing and must state the method by which the fee is to be determined. *RPC 1.5(c)*. Such agreements must specify the percentage accruing to the lawyer in the event of settlement, trial or appeal, whether litigation and other expenses are to be deducted from the recovery and whether such expenses are to be deducted before or after the contingent fee is calculated. At the conclusion of the case, the lawyer is required to provide the client with a written statement setting forth the outcome of the matter and, in cases where there is a recovery, the statement must show the remittance to the client and how that amount was determined.

SUMMARY

Attorney Fee Arbitration is a process that is being used effectively by lawyers and clients who have disagreements over the reasonableness of legal fees. In 2005, 981 new fee disputes were filed against New Jersey attorneys. This number represents fewer than 2.0% of the active New Jersey lawyer population (61,360). With hundreds of thousands of civil, criminal, equity, small claims and municipal court matters filed with the courts, and the hundreds of thousands of non-litigated matters (real estate transactions, wills, corporate, partnership and small business transactions, government agency matters, etc.) handled annually by New Jersey lawyers, it is clear that the number of fee arbitration matters filed is a very small percentage of the total number of attorney client transactions.

DISTRICT FEE COMMITTEES

The New Jersey fee arbitration system depends on attorney and public members serving on 17 regionalized district fee arbitration committees. As of September 1, 2005 there were 293 members of district committees serving pro bono across the state. Following is a list of members who served on the Court's district fee arbitration committees for 2005-2006:

	Term Expires		Term Expires
DISTRICT I		DISTRICT IIA	
(Atlantic, Cape May, Cumberland and Salem Counties)		(North Bergen County)	
Secretary: Michael A. Pirollo of Bridgeton		Secretary: Terrence J. Corriston of Hackensack	
Robert C. Litwack, Chair of Bridgeton	2006	Dennis W. Blake, Chair of Montvale	2006
Michele C. Verno, Vice Chair of Northfield	2007	Anne C. Skau, Vice Chair of Ridgewood	2007
Karen Williams of Atlantic City	2006	Robert E. Landel of Franklin Lakes	2006
Elaine B. Frick of Pleasantville	2007	Colin M. Quinn of Westwood	2006
Michael M. Mulligan of Carneys Point	2007	Rusel B. Teschon of Midland Park	2006
Kim Bloomer of Pleasantville	2008	Lawrence A. Joel of Ordell	2006
Marian E. Haag of Bridgeton	2008	Frank LaRocca of Glen Rock	2006
Braun D. Littlefield of Pleasantville	2008	Debra F. Schneider of Glen Rock	2007
Michael J. Mackler of Atlantic City	2008	Maragret S. Sullivan of Ridgewood	2008
Renee G. Malamut of Linwood	2008	Evelyn J. Marose of West Orange	2009
Dorothy F. McCrosson of Ocean City	2008	Douglas D. Messieno of Ridgewood	2009
Christine T.J. Tucker of Galloway Township	2009	Deborah P. Pico of Fair Lawn	2009
Daniel J. Young of Ocean City	2009	David Torchin of Hackensack	2009
Al Gutierrez of Somers Point	2006	Joseph Tedeschi of Fair Lawn	2006
Kathy Arrington of Atlantic City	2006	Betty Williams of Teaneck	2007
Joan L. Clarke of Tuckerton	2006	Alexander P. Adler of Cliffside Park	2008
John M. Bettis of Pleasantville	2006	Jeffrey Hering of Montvale	2008
Catherine J. Arpino of Vineland	2007	Philip J. Weiler, Jr. of Ridgewood	2008
Joseph Abbott, Jr. of Pleasantville	2008	Mary Eisenberg of Woodcliff Lake	2009
Paul S. Cooper of Bridgeton	2008		
Maureen Somers of Bridgeton	2009		

Term Expires

DISTRICT IIB
(South Bergen County)
Secretary: Michael J. Sprague of Hackensack

Ira C. Kaplan, Chair of Hackensack	2006
Daniel P. Mc Nerney, Vice Chair of Hackensack	2007
David M. Kohane of Hackensack	2006
Irwin S. Markowitz of Englewood Cliff	2006
Peter V. Moore of Wood Ridge	2006
Menelaos W. Toskos of Hackensack	2006
Alice W. Meehan of Hackensack	2007
Janell W. Weinstein of Hackensack	2007
Ronald M. Abramson of Hackensack	2008
William J. Bailey of Westwood	2008
Edward S. Kiel of Hackensack	2008
Iryna Lomaga Carey of Hackensack	2009
Carmine Lo Faro of Hackensack	2009
Mary Ann T. Stokes of Saddle Brook	2009
Peter A. Michelotti of Fair Lawn	2006
Suzanne DePuyt of Mahawah	2007
Rosario J. Lazzaro of Cresskill	2007
Robert Boyle of Hackensack	2008
Joseph A. Harris of Teaneck	2008
Steven Frimmer of Ridgefield Park	2008
Joesph A. Harris of Teaneck	2008
Paul Berberich of Cresskill	2009

DISTRICT IIIA
(Ocean County)
Secretary: Lisa E. Halpern of Toms River

Terry F. Brady, Chair of Toms River	2006
Maria A. Stork Vice Chair of Forked River	2007
Philip G. Pagano of Red Bank	2006
Michael T. Wolf of Toms River	2006
Linda S. Reinheimer of Toms River	2006
Claire M. Calinda of Toms River	2007
Joel A. Davies of Toms River	2007
Charles W. Bowden of Smithville	2006
E. Kevin Mosely of Lakewood	2008
Patricia Speck of Shrewsbury	2008
Joan L. Murphy of Toms River	2005
Ann Koukos of Lenoka Harbor	2005

DISTRICT IIIB
(Burlington County)
Secretary: Christopher R. Musulin of Mt. Holly

Donald N. Elsas, Chair of Willingboro	2006
Beth Ann Burton Vice Chair of Maple Shade	2007
Carolyn V. Chang of Mt. Holly	2006
Patricia A. Barasch of Moorestown	2007
Jeremy D. Countess of Moorestown	2008
Elizabeth Berenato of Burlington	2009
Nancy Ellen Griffin of Mt. Holly	2009
Thomas J. Orr of Burlington	2009
Keith A. Graham of Lumberton	2008
Marie Kotch of Burlington	2008
Nina Ladoff of Moorestown	2008
Jennifer Miles of Burlington	2006
Kathleen Sweeney of Roebling	2007

Term Expires

DISTRICT IV
(Camden County)
Secretary: Joel Schneider of Haddonfield

Daniel McCormack, Chair of Audubon	2006
Stacy L. Spinosi, Vice Chair of Woodbury	2007
Maury K. Cutler of Blackwood	2006
Andrew Kushner of Cherry Hill	2006
Robert Adinolfi of Haddonfield	2007
Augusta Joy Pistilli of Woodbury	2007
Frances Wang Deveney of Pennsauken	2009
Lise A. Fisher of Gibbsboro	2009
Katrina Fisler of Woodbury	2009
Philip Stephen Fuoco of Haddonfield	2009
Craig Klayman of Woodbury	2009
Lee Alan L. Schemanski of Cherry Hill	2009
Donafaye W. Zoll of Haddonfield	2009
Marie D. Fairchild of Haddonfield	2006
Altheia Leduc of Moorestown	2006
Frederick R. Linden of Marlton	2006
Jeffrey Clark of Manuta	2007
Peter M. Halden of Haddonfield	2007
Daniel M. Replogle, III of Camden	2007
Doreen McQueen of Camden	2008
William L. Spencer, Jr. of Haddon Township	2008

DISTRICT VA
(Essex County - Newark)
Secretary: Robert A. Berns of Newark

Pamela M. Cerruti, Chair of Montclair	2006
Robert A. Fagella, Vice Chair of Newark	2007
Eileen A. Lindsay of Roseland	2006
Rosalyn Cary Charles of South Orange	2006
Gustavo J. Perez of Newark	2006
Stanley A. Epstein of Newark	2007
Robert M. Goodman of Roseland	2007
Luis E. Rivera-Castro of Montclair	2008
Joan H. Langer of Newark	2008
John H. Klock of Newark	2008
Alan Trembulak of Montclair	2009
Robert S. Perelman of W. Caldwell	2006
Louis V. Henston of Livingston	2007
Celia King of Maplewood	2007
Harold Bobrow of Maplewood	2008
Randy Manton of Newark	2009

DISTRICT VB
(Essex County - Suburban Essex)
Secretary: David Schechner of West Orange

Pamela C. Mandel, Chair of Millburn	2006
Peter J. Vazquez, Jr., Vice Chair of Florham Park	2007
Bruce Levitt of South Orange	2006
Stewart M. Levis of West Orange	2007
Domenic D. Toto of Roseland	2007
Cheryl H. Burnstein of West Orange	2008
Marc B. Kramer of Short Hills	2008
Francesca Susana Blanco of West Orange	2009
Ryan Linder of E. Orange	2009
Paul A. Massaro of Montclair	2009
David Rothschild of Millburn	2007

	Term Expires
Jack L. Wigler of Verona	2008
Reginald Oliver of Montclair	2008
Lawrence S. Churgin of West Orange	2009
Rhoda B. Denholtz of Short Hills	2009

DISTRICT VC

(Essex County - West Essex)

Secretary: Anne K. Franges of Newark

Barbara S. Fox, Chair of Upper Montclair	2006
Kenneth F. Mullaney, Vice Chair of Fairfield	2007
Eleonore K. Cohen of Springfield	2006
Daniel J. Jurkovic of Verona	2006
Bryan Blaney of Roseland	2007
Sherry Gale Chachkin of Hackensack	2007
Leslie A. Lajewski of Roseland	2007
Laurie A. Bernstein of Roseland	2008
Geraldine Reed Brown of Montclair	2008
A.L. Gaydos, Jr. of Montclair	2008
Lisa Manshel of Millburn	2009
Robert Fischbein of Short Hills	2006
Hilda L. Jaffe of Verona	2007
Laurena G. White of Montclair	2007
Audrey Bartner of Verona	2008
Celia M. Trembulak of Montclair	2009

DISTRICT VI
(Hudson County)

Secretary: Marvin R. Walden, Jr. of West New York

Thomas M. Venino, Jr., Chair of North Bergen	2007
Norberto A. Garcia, Vice Chair of Jersey City	2008
Lisette Castelo of Fort Lee	2006
James C. Dowden of Secaucus	2006
Joseph J. Talafous, Jr. of Jersey City	2008
Cindy N. Vogelmann of Secaucus	2008
William N. Gonzalez of West New York	2009
Michael A. Purvin of West New York	2009
Wanda Moreno of Union City	2006
Corrado Belgiovine of Jersey City	2007

DISTRICT VII
(Mercer County)

Secretary: Sahbra Smook Jacobs of Trenton

Howard S. Rednor, Chair of Trenton	2007
Howard L. Felsenfeld, Vice Chair of Mercerville	2007
Kathy Dillione of W. Trenton	2005
Jose Miguel Ortiz of Trenton	2005
Kevin M. Shanahan of Pennington	2005
Katherine Benesch of Princeton	2006
Patricia M. Graham of Princeton	2006
Roger T. Haley of Trenton	2008
Deborah T. O'Donnell of Lawrence	2008
Tracey A. Destribats of Hamilton	2007
Edmund K. Stoy of Ewing	2007
Robert Sussna of Princeton	2007
Frederick R. Gladstone of Belle Mead	2008

DISTRICT VIII
(Middlesex County)
Secretary: William P. Isele of Milltown

Edward J. Ramp, Chair of East Brunswick	2007
Deborah A. Rose, Vice Chair of Edison	2007
James P. Fitzgerald of Dunellen	2005
Barry E. Rosenberg of Bound Brook	2005
James B. Smith of Metuchen	2005
Guillermo R. Arango, Jr. of New Brunswick	2007
Arlene R. Green of Colonia	2007
Gregory B. Pasquale of Princeton	2007
Elizabeth S. Bair of Woodbridge	2008
Ernest Blair of Plainsboro	2008
Gregory A. Drews of New Brunswick	2008
Chris E. Piasecki of Middlesex	2008
Antonio J. Toto of South River	2008
Juan J. Tenreiro of Fords	2005
Kerny Kultlau of Piscataway	2006
Mary Martin of Middlesex	2006
Louis G. Cangelosi of Woodbridge	2008
Navin Jiwani of Greenbrook	2007
Charles F. Shaughnessy of Colonia	2007
Raymond Bulin of Union City	2008

DISTRICT IX
(Monmouth County)

Secretary: Robert J. Saxton of Wall Township

Gregory S. Baxter, Chair of Shrewsbury	2006
Jeanette Pappas, Vice Chair of Spring Lake	2007
Michele C. Bowden of Red Bank	2006
C. Martin Goodall of Little Silver	2006
Michael I. Halfacre of Little Silver	2006
Stafford W. Thompson of Red Bank	2006
Kevin Wigenton of Red Bank	2006
Robert J. Boland of Morganville	2007
Michael Richard DuPont of Red Bank	2007
Leslie S. Vincent of Middletown	2007
Richard W. Hogan of Ocean Grove	2007
Edward P. Fradkin of Oakhurst	2008
Bruce Fromer of Neptune	2009
Carol J. Truss of Freehold	2009
Joseph E. Bennett of Neptune	2006
Denise A. Clericuzio of Holmdel	2006
Dr. Linda O. Hochman of Shrewsbury	2006
Michelle Ragula of Manalapan	2006
Michael A. Tartza of Wall	2006
Diane Traverso of Oakhurst	2006
Lydia Valencia of Lakewood	2007
Allen Jenkins of Marlboro	2008
Walter T. MacGowan, Jr. of Spring Lake	2008
William Surdovel of Freehold	2009

DISTRICT X
(Morris & Sussex Counties)

Secretary: Melinda D. Middlebrooks of Morristown

Fred Semrau, Chair of Boonton	2006
Allan J. Iskra, Vice Chair of Parsippany	2007
Ann M. Edens of Chester	2005
Mallary Steinfeld of Morristown	2006

	Term Expires
Mark A. Blount of Chester	2007
Robert L. Gaynor of Succasunna	2007
Aron M. Schwartz of Woodbridge	2007
Arthur J. Shulman of Livingston	2007
Leonard C. Walczyk of Millburn	2007
Jonathan S. Bristol of Morristown	2008
John E. Ursin of Sparta	2008
Hebert M. Strulowitz of Randolph	2008
Peter J. Tol of Far Hills	2006
Bernard B. Verosub of Rockaway	2006
Catherine S. Litwin of Morristown	2007
Dan Vinod of Morristown	2007
John A. Escobar of Budd Lake	2008

**DISTRICT XI
(Passaic County)**

Secretary: Anthony Benevento of Totowa Boro

Irene Mecky, Chair of Wayne	2006
Kristin M. Corrado, Vice Chair of Totowa Boro	2007
Amato A. Galasso of Ridgewood	2006
Linda Couso Puccio of Wayne	2005
Jane E. Salomon of Paterson	2005
Richard A. Shackil of Paterson	2005
Randall Chiocca of Parsippany	2005
William S. Taylor of Clifton	2007
Richard J. Baldi of Paterson	2008
Jose I. Bastarrika of Paterson	2008
Stephen B. Glatt of Paterson	2008
Claudine M. Liss of Little Falls	2008
Yolanda Simmons of Paterson	2007
Millie Santiago of Clifton	2007
Angelo Lobosco of W. Paterson	2007
Carmine Maggio of Clifton	2007
Patricia M. Rocca of Paterson	2008
Linda Petsch of Newfoundland	2008
Anna-Lisa Dopriak of Paterson	2009

**DISTRICT XII
(Union County)**
Secretary: Carol A. Jeney of Scotch Plains

Barbara S. Worth, Chair of Union	2006
Michael F. Brandman, Vice Chair of Cranford	2007
Ronald A. Cohen of Roselle Park	2006
Gianfranco A. Pietrafesa of Summit	2005
Robert L. Munoz of Clark	2005
Amirali Y. Haidri of Union	2005
Manuel P. Sanchez of Elizabeth	2006
Mitchell H. Portnoi of Clark	2006
Ronald R. Silber of Cranford	2006
John M. Boyle of Westfield	2007
Cary R. Hardy of Summit	2007
Susan C. Taylor of Summit	2007
James J. Byrnes of Union	2008
Edward P. Ruane of Springfield	2008
Marc Kelley of Cranford	2005
Mary N. Cooper of Summit	2007
Linda B. Hander of New Providence	2007
Pastor Steffie Bartley, Sr. of Elizabeth	2008
Alan T. English of Summit	2008
Gerald A. Hale of Summit	2008
Christine Piga of Elizabeth	2008

**DISTRICT XIII
(HUNTERDON, SOMERSET & WARREN COUNTIES)**
Secretary: Stuart C. Ours of Washington

Eliot M. Goldstein, Chair of Warren	2007
Donna Marie Jones Emmi, Vice Chair of Hillsborough	2008
James Scott DeMasi of Phillipsburg	2005
Charles Z. Schalk of Somerville	2005
Kurt G. Ligos of Hackettstown	2005
Joanne Byrnes of Flemington	2007
Lisa J. Pezzano-Mickey of Bridgewater	2008
Robert G. Wilson of Somerville	2008
Gale S. Wachs of Bridgewater	2005
Dorothy . Pesaniello of Phillipsburg	2006
Marjorie L. Rand of Martinsville	2006
Andrae Wood of Lebanon	2007

**CHARACTERISTICS
of the
NEW JERSEY BAR
FOR YEAR 2005**

Chapter Five



“(T)he principal reason for discipline is to preserve the confidence of the public in the integrity and trustworthiness of lawyers in general.”

Chief Justice Robert N. Wilentz
In re Wilson, 81 N.J. 451, 456 (1979)

CHARACTERISTICS OF THE NEW JERSEY BAR

This chapter is based on responses to the Annual Attorney Registration Statement. Data for the 2005 report was compiled as of September 15, 2005, prior to the revocation of licenses of 5,999 attorneys. See discussion in **Chapter 2** (Discipline System) concerning “Attorney Population.”

YEAR ADMITTED TO THE BAR

As of September 15, 2005, the attorney registration database counted a total of 83,225 attorneys. Over seventeen percent of all New Jersey attorneys (17.38%) were admitted to practice since 1986, while almost eleven percent (10.93%) were admitted since 1981. Seven percent of all attorneys (7.00%) were admitted since 1976.

Year	Number	Percent
> 50	606	0.73%
1951-1955	564	0.68%
1956-1960	788	0.95%
1961-1965	1,225	1.47%
1966-1970	2,424	2.91%
1971-1975	4,950	5.95%
1976-1980	5,822	7.00%
1981-1985	9,094	10.93%
1986-1990	14,464	17.38%
1991-1995	16,736	20.11%
1996-2000	14,728	17.70%
2001-2005	11,824	14.21%

Figure 26

ATTORNEY AGE

Of the 83,225 attorneys for whom some registration information was available, 76,305 (91.7%) provided their date of birth. No response to this question was made by 6,899 attorneys (8.3%).

Age	Number	Percent
< 25	39	0.05%
25-29	3,547	4.65%
30-34	8,646	11.33%
35-39	13,735	18.00%
40-44	12,818	16.80%
45-49	11,148	14.61%
50-54	9,174	12.02%
55-59	7,292	9.56%
60-64	4,444	5.82%
65-69	2,134	2.80%
70-74	1,376	1.80%
75-80	928	1.22%
> 80	1,024	1.34%

Figure 27

ADMISSIONS IN OTHER JURISDICTIONS

Two-thirds (67.72%) of the 83,225 attorneys for whom some registration information was available were admitted to the bars of other jurisdictions, while one-third (32.28%) were admitted only in New Jersey.

Admissions	Attorneys	Percent
Only in NJ	26,864	32.28%
Add'l Jurisdictions	56,361	67.72%
TOTALS	83,225	100%

Jurisdiction	Admissions	Percent	Jurisdiction	Admissions	Percent
New York	31,810	44.30%	New Hampshire	93	0.13%
Pennsylvania	20,068	27.95%	Nevada	88	0.12%
District of Col.	5,766	8.03%	West Virginia	80	0.11%
Florida	2,886	4.02%	South Carolina	70	0.10%
California	1,536	2.14%	Hawaii	66	0.09%
Connecticut	1,277	1.78%	Oregon	65	0.09%
Massachusetts	1,260	1.75%	Rhode Island	71	0.10%
Maryland	1,022	1.42%	Kentucky	58	0.08%
Virginia	610	0.85%	New Mexico	56	0.08%
Illinois	581	0.81%	Oklahoma	44	0.06%
Texas	492	0.69%	Virgin Islands	43	0.06%
Georgia	418	0.58%	Alabama	42	0.06%
Ohio	390	0.54%	Kansas	40	0.06%
Colorado	387	0.54%	Iowa	37	0.05%
Delaware	409	0.57%	Puerto Rico	33	0.05%
Michigan	262	0.36%	Arkansas	25	0.03%
North Carolina	236	0.33%	Utah	23	0.03%
Arizona	221	0.31%	Alaska	23	0.03%
Washington	139	0.19%	Idaho	17	0.02%
Minnesota	137	0.19%	Mississippi	20	0.03%
Maine	130	0.18%	Montana	16	0.02%
Missouri	127	0.18%	South Dakota	11	0.02%
Louisiana	111	0.15%	North Dakota	9	0.01%
Wisconsin	117	0.16%	Guam	4	0.01%
Vermont	99	0.14%	Nebraska	0	0.00%
Tennessee	101	0.14%	Wyoming	0	0.00%
Indiana	99	0.14%	Invalid Responses	82	0.11%
			Total Admissions	71,807	100.00%

Figure 28

PRIVATE PRACTICE IN NEW JERSEY

Of the 83,225 attorneys on whom some registration information was tabulated, 32,714 indicated they engaged in the private practice of New Jersey law. Some 961 (less than 1%) failed to respond to this question. Just over four in ten attorneys engaged in the private practice of New Jersey law, while six in ten did not engage in practice in the private sector.

RESPONSE		Number	Percent
NO		50,511	60.69%
YES		32,714	39.31%
	Full-time	21,377	
	Part-time	7,061	
	Occasionally	3,315	
	Unspecified	961	
TOTAL		83,225	100%

Figure 29

STRUCTURE OF LAW FIRMS

Of the 32,714 attorneys who indicated they were engaged in the private practice of New Jersey law, 97.9% (32,027) responded to this question. Over one-third (34.26%) of the responding attorneys practiced in sole proprietorships [sole practitioners plus sole stockholders]. The next largest group was associates (29.43%), followed by partners (25.05%), other than sole stockholders (5.88%), and attorneys who were of counsel (5.38%).

STRUCTURE	Number	Percent
Sole Practitioner	10,127	31.62%
Sole Stockholder	845	2.64%
Other Stockholders	1,884	5.88%
Associate	9,425	29.43%
Partner	8,023	25.05%
Of Counsel	1,723	5.38%
TOTALS	32,027	100%

Figure 30

SIZE OF LAW FIRMS

Of the 32,714 attorneys that they were engaged in the private practice of New Jersey law, 99.1% (32,412) responded by indicating the size of the law firm of which they were a part. One-third (32.98%) said they practiced alone; 10.43% worked in two-person law firms; 15.85% worked in law firms of 3-5 attorneys; 27.73% worked in law firms with 6- 49 attorneys and 13.02% worked in firms with 50 or more attorneys.

FIRM SIZE	Number	Percent
One	10,688	32.98%
Two	3,379	10.43%
3 to 5	5,138	15.85%
6 to 10	3,250	10.03%
11-19	2,442	7.53%
20-49	3,296	10.17%
50 >	4,219	13.02%
TOTALS	32,412	100.00%

Figure 31

NUMBER OF LAW FIRMS

No exact figures on the number of law firms that engage in the private practice of New Jersey law exist. Nevertheless, a reasonably accurate estimate can be made based on the 32,714 attorneys who indicated they engaged in the private practice of New Jersey law. A total of 32,412 (99.1%) 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. Almost three-quarters of all law firms (74.17%) were single practice firms. Two person firms represented 11.72% of all private practice firms, while firms between 3 to 5 comprised 8.91%. Only 5.19% of all of the law firms in New Jersey had 6 or more attorneys.

SIZE OF LAW FIRM	Number of Attorneys	Firm Size Midpoint	Number of Firms	Individual Category %
One	10,688	1	10,688	74.17%
Two	3,379	2	1,690	11.72%
3 to 5	5,138	4	1,285	8.91%
6 to 10	3,250	8	406	2.82%
11 to 19	2,442	15	163	1.13%
20 to 49	3,296	35	94	0.65%
50 >	4,219	50	84	0.59%
TOTALS	32,412		14,410	100.00%

Figure 32

BONA FIDE LAW OFFICES

Of the 32,714 attorneys who indicated they were engaged in the private practice of New Jersey law, 95.7% (31,313) indicated where their primary bona fide office was located. In the northern part of the state, Essex County housed the largest number of private practitioners with 17.47%. The next largest county was Camden County in South Jersey with 12.72%. Bergen County was third with 12.19%. Morris County came in fourth with 9.67%.

County	Admissions	Percent	County	Admissions	Percent
Atlantic	662	2.11%	Middlesex	2,031	6.49%
Bergen	3,817	12.19%	Monmouth	1,840	5.88%
Burlington	1,287	4.11%	Morris	3,029	9.67%
Camden	3,984	12.72%	Ocean	757	2.42%
Cape May	315	1.01%	Passaic	917	2.93%
Cumberland	205	0.65%	Salem	65	0.21%
Essex	5,470	17.47%	Somerset	985	3.15%
Gloucester	405	1.29%	Sussex	218	0.70%
Hudson	1,122	3.58%	Union	1,607	5.13%
Hunterdon	324	1.03%	Warren	189	0.60%
Mercer	2,084	6.66%			
			TOTALS	31,313	100%

Figure 33

GLOSSARY

**GLOSSARY
OF
ATTORNEY DISCIPLINE TERMS**

Admonition

a letter or order that admonishes an attorney for unethical conduct. It is the least serious disciplinary sanction that may be imposed.

Agreement in Lieu of Discipline

the vehicle used to accomplish diversion of “disciplinary” matters where an attorney who qualifies for diversionary treatment admits “minor” unethical conduct has been committed. *R.1:20-3(i)(2)(B)*.

Appeal

the right of a grievant, a respondent or the Office of Attorney Ethics to seek review of a decision to dismiss after investigation or hearing.

Censure

an order or opinion of the Supreme Court of New Jersey that condemns an attorney for unethical conduct. A censure is more serious than a short suspension from practice.

Complaint

the written document formally charging the respondent with specific violations of unethical conduct. A complaint is issued after completion of an investigation that meets the standard of *R.1:20-4(a)*.

Consent Process

the appellate process before the Disciplinary Review Board and the Supreme Court by which the extent of discipline to be imposed as the result of discipline by consent is reviewed, without oral argument. *R.1:20-15(g)* and *R.1:20-16(e)*.

Director

the Director of the Office of Attorney Ethics, who administers the Office of Attorney Ethics, District Ethics Committees, District Fee Arbitration Committees, the Random Audit Program, the Annual Attorney Registration Statement and the Trust Overdraft Notification Program.

Disability Inactive Status	a sanction that is based on an attorney’s mental or physical disability which determines that the attorney does not have the ability to engage in the practice of law. <i>R.1:20-12.</i>
Disbarment	an order and injunction by the Supreme Court of New Jersey prohibiting an attorney from practicing law in this state. All disbarments in New Jersey are permanent.
Disciplinary Review Board	the statewide board (composed of both attorneys and public members) that reviews all recommendations from a trier of fact for discipline of a respondent. The Board’s decision is reviewed by the Supreme Court of New Jersey, which actually imposes all discipline, except that the Board may issue letters of admonition.
Discipline by Consent	a procedure whereby a respondent may agree with an investigator, presenter or ethics counsel to admit facts constituting unethical conduct in exchange for a recommendation for specific discipline or a range of specific discipline, subject to review by the Disciplinary Review Board. <i>R.1:20-10(b).</i>
Dismissal	a finding, either after an investigation or hearing, that a respondent did not commit unethical conduct.
District Ethics Committee	a group of volunteer attorneys and public members appointed by the Supreme Court of New Jersey whose members serve to investigate, prosecute and adjudicate grievances which are docketed by the committee secretary. There are 17 District Ethics Committees in the state. District secretaries first screen with guidelines approved by the Supreme Court and they docket those that meet the Court’s standards.
District Fee Arbitration Committee	a group of volunteer attorneys and public members appointed by the Supreme Court of New Jersey whose members serve on hearing panels to decide disputes between attorneys and clients over legal fees. There are 17 District Fee Arbitration Committees in the state.

Diversion	a non-disciplinary treatment by consent by attorneys who admit they have committed “minor” unethical conduct and who otherwise qualify for diversionary treatment. Diversion is accomplished through an “Agreement in Lieu of Discipline.” <i>R.1:20-3(i)(2)(A)</i> and <i>(B)</i> .
Ethics Counsel	an attorney of the Office of Attorney Ethics. <i>R.1:20-2(a)</i> .
Fee Arbitration	a statewide system that requires attorneys to submit client disputes of legal bills to mandatory arbitration by District Fee Arbitration Committees appointed by the Supreme Court of New Jersey.
Grievance	any allegation of unethical conduct made against an attorney. A grievance, if docketed, is assigned for investigation.
Hearing Panel	three members of a district ethics committee consisting of two attorneys and a public member who preside over a hearing based on charges in a formal complaint that are usually deemed standard in nature.
Inquiry	any written communication to a District Ethics or Fee Committee or the Office of Attorney Ethics. Many inquiries are not grievances, but requests for information; however some inquiries are grievances.
Investigation	a factual review and legal analysis of evidence that is conducted by an attorney member of a District Ethics Committee or a member of the Office of Attorney Ethics.
Minor Unethical Conduct	refers to those minor types of unethical conduct which, if proved, would not warrant discipline greater than an admonition, the least serious disciplinary sanction. Minor unethical conduct matters are eligible for non-discipline diversionary treatment. <i>R.1:20-3(i)(2)</i> .

Office of Attorney Ethics	the professional, full-time component of the attorney discipline system consisting of attorneys, investigators and auditors. The OAE investigates serious, complex and emergent grievances. It is also responsible for administering the attorney discipline system statewide. See “Director” above for a list of other responsibilities of this office.
Panel Chair	an attorney-member of a district ethics committee who presides over a hearing based on charges in a formal complaint that are generally deemed standard in nature.
Presenter	the volunteer attorney member of a District Ethics Committee who is appointed to prosecute a formal complaint. <i>R.1:20-4(g)(1)</i> .
Random Audit Program	a program that randomly selects private practice law firms for audit of their attorney trust and business accounts to insure that these lawyers comply with mandatory record keeping rules and practices required by the Supreme Court of New Jersey.
Reinstatement	an order of the Supreme Court of New Jersey that reinstates a formerly suspended attorney from practicing law. No suspended attorney can begin practicing law until the attorney has applied for and been reinstated by the Supreme Court. Since disbarment is permanent in New Jersey, there is no procedure for disbarred attorneys to seek reinstatement. <i>R.1:20-21</i> .
Reprimand	an order or opinion of the Supreme Court of New Jersey that reproofs an attorney for committing unethical conduct. A reprimand is a more serious sanction than an admonition and less serious than a censure.
Respondent	the attorney charged in a grievance or formal complaint with allegations of unethical conduct.

Rules of Professional Conduct	rules adopted by the Supreme Court of New Jersey that set forth detailed ethical standards by which the actions of New Jersey attorneys are judged.
Sanction	the form of discipline imposed on attorneys who have committed unethical conduct. Sanctions include disbarment, disbarment by consent, suspension, censure, reprimand, admonition and disability-inactive status.
Special Ethics Master	an attorney (either a former chair, vice chair or secretary of a district ethics committee or a present or former judge) who presides over a hearing based on charges in a formal complaint that are deemed complex in nature.
Suspension	an order and injunction by the Supreme Court of New Jersey prohibiting an attorney from practicing law in this state for a period of time. Suspensions are usually for a definite term of between 3 months to 3 years, but may be imposed for an indeterminate period (generally 5 years) or for an indefinite period. No suspended attorney can again practice law unless the attorney has first applied for and been reinstated by the Supreme Court.
Trier of Fact	an ethics committee hearing panel or special ethics master who presides at an ethics hearing and decides whether or not unethical conduct has been proved.



Office of Attorney Ethics