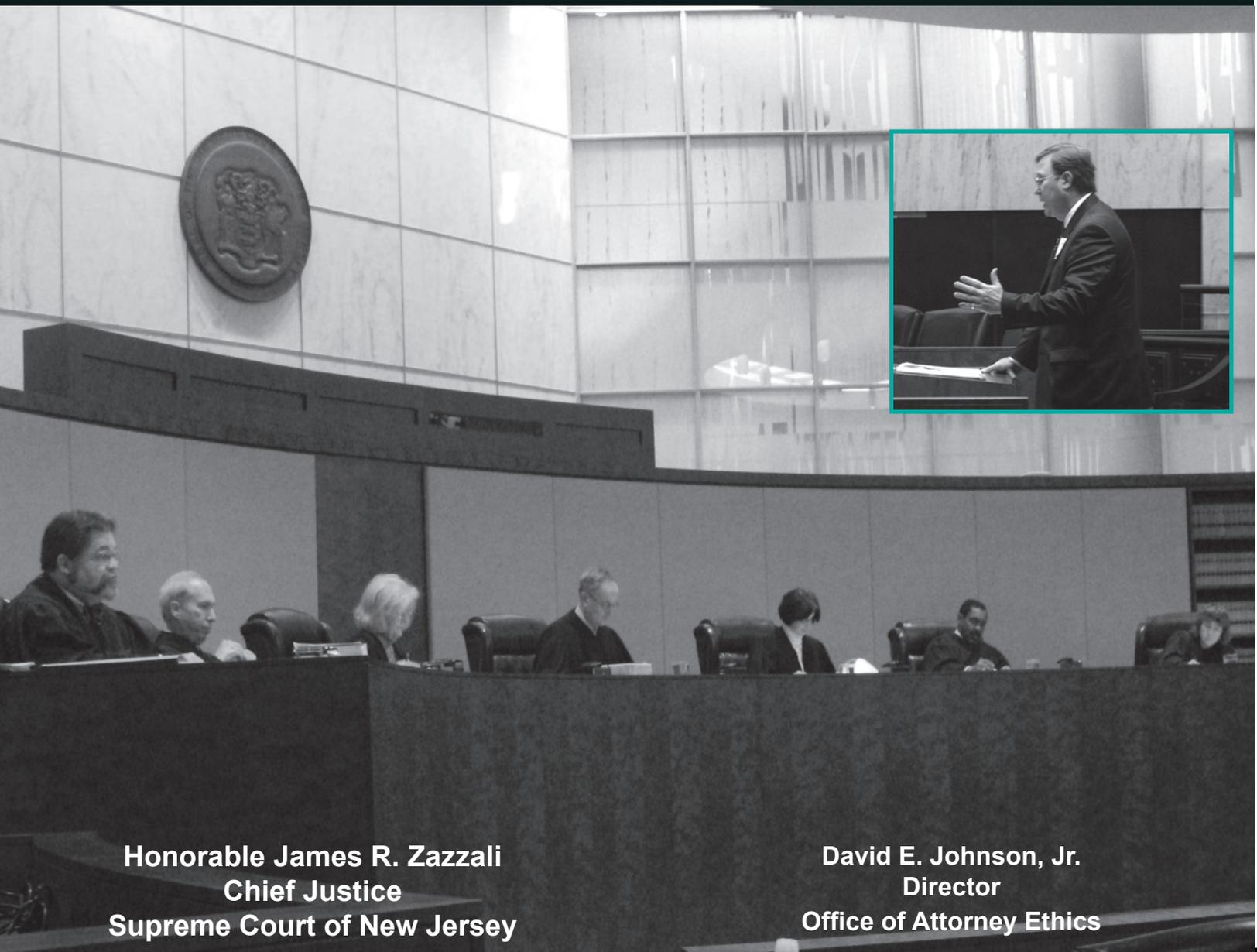


STATE OF THE ATTORNEY DISCIPLINARY SYSTEM REPORT

2006



Honorable James R. Zazzali
Chief Justice
Supreme Court of New Jersey

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

2006 Cover: Deputy Ethics Counsel Walton W. Kingsberry, III appears
before the Supreme Court of New Jersey.

OFFICE OF ATTORNEY ETHICS



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April 9, 2007

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

The attached report represents the 23rd issue of the State of the Attorney Discipline System Report. The following are some of the report's findings:

- Almost 20% fewer attorneys were disciplined this year (142) than in 2005 (180).
- The Court imposed final discipline on 122 attorneys and emergent sanctions on 20 attorneys.
- The number of investigative filings was down slightly by -3.1% this year.
- The number of formal complaints (and other charging documents) filed increased by 6.6%.
- The disciplinary system cleared its investigative and hearing calendars in 2006.
- District Ethics Committees had an investigative compliance rate of 63% at the end of 2006.
- As of December 31st, the OAE's investigative compliance rate was 65%.
- At year's end, the attorney population was 79,717 -- one attorney for every 109 New Jersey citizens.
- New Jersey ranked 7th in the nation in the number of attorneys admitted to practice.
- The Garden State ranks 41st in the country (at \$182) in annual attorney licensing fees charged.
- The OAE successfully prosecuted one disbarred attorney and one temporarily suspended attorney for contempt before Assignment Judges this year, because they failed to cease practicing when disciplined.
- OAE ethics counsel appeared before the Supreme Court in 32 cases for oral argument this year.
- The Random Audit Program conducted 387 audits of law firms, a decrease of 5.7% from last year. However, seven lawyers detected by the program were finally disciplined, including three disbarments.
- For the first time in five years, cases pending before District Fee Arbitration Committees exceeded 600.
- Five lawyers were disciplined (four disbarred) in 2006 due to the Trust Overdraft Notification Program.
- Most attorneys (94.5%) who engaged in private practice of New Jersey law had *bona fide* offices in this state, while 5.6% (1,819) had *bona fide* offices in other jurisdictions: Pennsylvania 2. 8% (918), New York 2.5% (804), Delaware less than 1% (13) and other United States jurisdictions 0.3% (84).

The entire disciplinary system is working hard to improve compliance with the Court's goals. We also continue to strive to maintain the trust of the public in our disciplinary and fee arbitration systems and the random audit program.

Respectfully Submitted,

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

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)

DISCIPLINE IMPOSED

The overall number of attorneys disciplined by the Supreme Court (Court) decreased by 19.7% from last year. A total of 142 attorneys were sanctioned in 2006, while 180 were disciplined in 2005. (Figure 1). This decrease continues a trend that has spanned the past five years from 2002, when an all-time high of 269 attorneys were cited for unethical conduct. Discipline totals were 177 in 2004 and 194 in 2003. Excluding 2002 (a record-high year), over the three years prior to 2006 an average of 183.7 New Jersey attorneys were sanctioned, a 29.3% decline.

Disciplinary sanctions comprise two main categories. The largest class is final discipline, which is imposed by the Court after the respondent-lawyer has the opportunity for a hearing, appellate review conducted by the Disciplinary Review Board (Review Board) and the Court. Final disciplinary sanctions are explained further in this chapter under the heading “Final Discipline Cases.” This year, 122 final sanctions were ordered by the Court, while 146 final disciplines were imposed in 2005. Prior year’s totals were: 154 in 2004; 163 in 2003; and 228 in 2002.

Sanction Trends

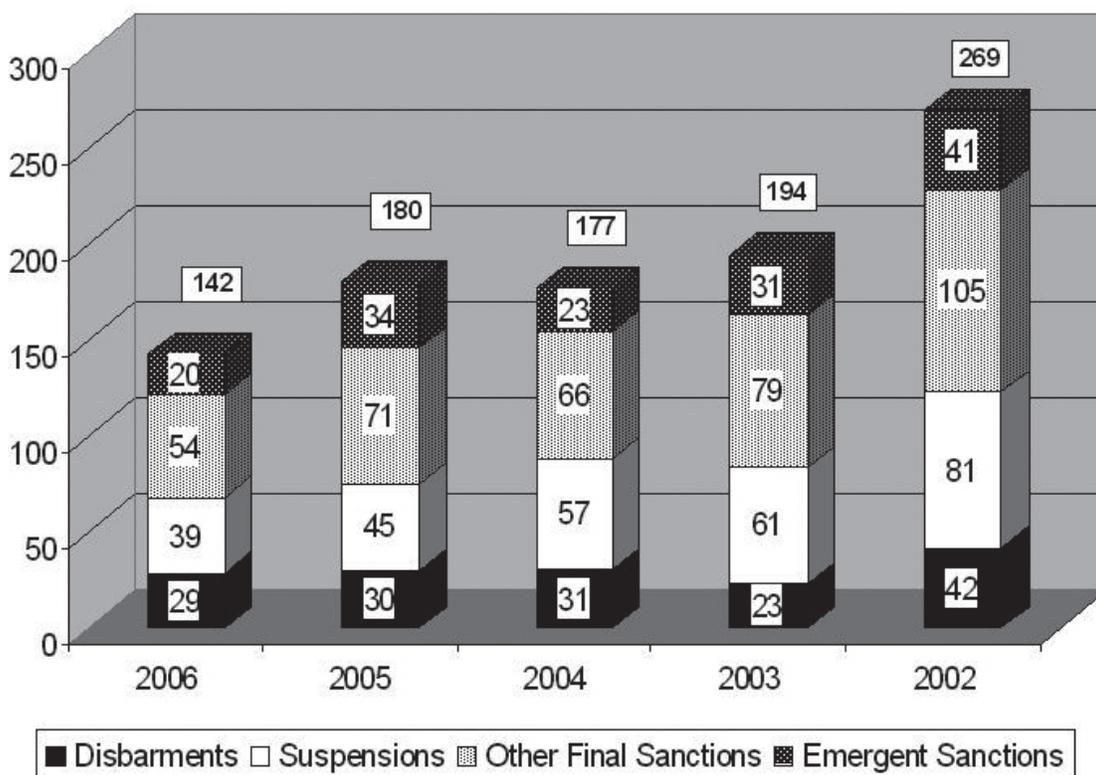


Figure 1

The second class is emergent actions, which are imposed on an urgent basis in order to protect the public while discipline charges are under investigation. They consist of temporary suspensions, temporary license restrictions on the lawyer’s practice or transfers to temporary disability-inactive status, where, for health reasons, the lawyer does not have the present capacity to practice law. The Office of Attorney Ethics (OAE) initiates all emergent actions before the Court. These actions are explained further in this chapter under the heading “Emergent Actions.” Twenty (20) emergent actions were taken against New Jersey practitioners this year. Last year, there were 34. Prior years’ totals were: 23 for 2004; 31 for 2003; and 41 for 2002.

The most recent five-year trend in all types of disciplinary sanctions is unquestionably on the down-slope. This change appears all the greater, however, with the inclusion of an all-time record number of sanctions in 2002. A more accurate picture is seen by contrasting the 2006 figures with the prior three-year sanction averages. Final disciplinary sanctions have dropped by 26.5% (122 matters in 2006, compared to their prior three-year average of 154.3). Emergent sanctions decreased by 46.7% (20 matters in 2006, compared to the prior three-year average of 29.3). Combining both sanction types yields an overall decrease of 29.3% (142 disciplines in 2006, compared to the prior three-year average of 183.7).

The reasons for the general downward trend are varied. First, emergent actions are the most volatile of all disciplinary cases to predict, since, except for criminal convictions of serious crimes, they arise from true emergencies. In 2006, they decreased by 46.7% from the prior three-year average. However, even during that three-year period, the numbers varied widely year to year, from a high of 34 last year to 23 in 2004.

Second, final discipline decreased by 26.5% this year compared to its prior three-year average. During that time, the disciplinary system experienced an increase in the number of diversions, which are a non-disciplinary treatment for limited violations. During this period, diversions increased from a low of 51 in 2003 to 68 in 2004 (25% increase), followed by another increase of 22.7% to 88 in 2005. In 2006, there was a slight 6.0% decrease, but the number of diversions remained high at 83. Diversions are imposed during investigation for “minor misconduct” where the sanction hearing would be no greater than admonition. Because imposition of sanctions may take a year or more if a case is not diverted (since a hearing and appellate review are required) the increase in diversions was one factor that decreased overall discipline.

With respect to final sanctions, the number of new investigations opened, as well as the amount of cases moving on to the hearing stage, are also factors. There were 1,429 new cases filed in 2006, a decrease of 3.1% over the 1,474 filed during 2005. On the other hand, the number of formal complaints and other charging documents filed after investigation show an upward trend during 2006, as 241 were filed, an increase of 6.6% from the 2005 figure of 226. Because disciplinary cases do not usually result in discipline in the same year they are filed due to timing, it is hard to evaluate the effect that small increases and decreases in investigations and formal complaints from year to year play in the equation.

Disciplinary cases are subject to the Court’s time goals that span more than one year from the docketing of a grievance to the imposition of discipline. There are four main stages that the majority of cases must follow before discipline can be imposed: the investigation stage, the hearing stage, intermediate appellate review by the Review Board and final Court imposition of discipline. 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 automatically reviewed by the Review Board, which ranges from four to five months and impacts sanction time. The time it takes the Court to review the matter is also a factor, with disbarment and other complex cases where oral argument is held sometimes taking the full six-month time goal allowed, while other less complex cases, where there is no oral argument, usually take only about one to two months. Therefore, to traverse the disciplinary process from investigation to imposition of discipline normally takes between 18 months for standard cases and up to 26 months in complex matters. Thus, the result of an investigation is not likely to result in discipline in the same year that it was docketed.

An additional sanction dynamic is that each disciplinary case is fact sensitive. Thus, the difficulty of the matter and the cooperation of the attorney are always major considerations. Nevertheless, the system has a number of procedures to expedite some case types, including disbarment by consent, where the attorney consents to a specific sanction, as well as accelerated procedures for handling criminal convictions and reciprocal discipline from other states where proceedings are initiated at the Review Board level. Another expedited procedure occurs where a respondent fails to file a verified answer to a formal complaint after being properly served, the attorney defaults and no evidentiary hearing is held. The record of the proceeding is then “certified” directly to

the Review Board for sanction. The Review Board evaluates the matter and sends its decision 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, 28% (30 of 109) of the final sanctions imposed (excluding 13 disbarments by consent, which always require a respondent's active cooperation), were based on the attorney's default. During 2005, 16% of final sanctions came via defaults. For prior years, the results were: 2004 - 18%; 2003 - 15%; and 2002 - 17%. Of the default sanctions imposed in 2006, the breakdown by sanction category was as follows: disbarments by order of the Court 44% (7 of 16); suspensions 33% (13 of 39); censures 20% (3 of 15); and reprimands 29% (7 of 24). None of the 15 admonitions imposed were based on default and there were no final transfers to disability-inactive status imposed this year.

Finally, we must remember that it is difficult to predict the amount of atypical misconduct involving a small number of unethical attorneys that will occur in any given period. Indeed, it is important to acknowledge that the number of attorneys who are disciplined remains a very small percentage of the total lawyer population (See Chapter 2 Figure 13 under "Attorney Population.")

FINAL DISCIPLINE CASES

This year the Court imposed final discipline on 122 Garden State attorneys, a decrease of 16.4% over 2005 when 146 final sanctions were imposed. Prior years' totals were: 154 in 2004; 163 in 2003; and 228 in 2002. Excluding 2002 (a record-high year), over the three years prior to 2006, an average of just over 154.3 attorneys have been sanctioned yearly, a decrease of 26.5%.

All such discipline is imposed by or under the auspices of the Court, which sits in Trenton, New Jersey at the Richard J. Hughes Justice Complex. It 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. All cases where disbarment is recommended by the Review Board are automatically scheduled for oral argument before the Court. Additionally, either the OAE or a respondent may file a petition for review and request argument. Moreover, the Court may set any matter down for oral argument on its own motion.

OAE Legal Group



From left to right: Deputy Ethics Counsel Christina Blunda Kennedy, Paula T. Granuzzo, Janice L. Richter and Lee A. Gronikowski, Assistant Ethics Counsel Michael J. Sweeney, Counsel to Director Richard J. Engelhardt, Deputy Ethics Counsel John McGill, III, Nitza I. Blasini and Melissa A. Czartoryski, First Assistant John J. Janasie and Director David E. Johnson, Jr. Not Shown: Walton W. Kingsbery, III.

Figure 2

The OAE represents the public interest in all disciplinary cases that are argued before the Court (**Figure 2**). OAE attorneys appeared 32 times for oral argument in discipline cases in 2006 and four other times for oral arguments in Character Committee cases. Arguments are televised in real time over the Internet and can be accessed at the Judiciary's Website - www.njcourtsonline.com by clicking on the **WEBCAST** icon.

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 122 final sanctions imposed in 2006 include 16 disbarments by order of the Court, 13 disbarments by consent of the respondent, no revocations, 39 term suspensions, no indeterminate suspensions, no final transfers to disability-inactive status, 15 censures, 24 reprimands and 15 admonitions.

Overall, there was a 16.4% decrease in total final sanctions for 2006 (122) versus 2005 (146). Comparisons of 2006 with the prior year were: disbarments by order of the Court dropped 16% (16 - 19); disbarments by consent grew 18% (13 to 11); no attorneys' licenses were revoked in 2006 or 2005; term suspensions were down 13%, (39- 45); transfers to disability-inactive status declined by 100% (0 - 2); censures imposed increased 88% (15 - 8); reprimands were down 29%, (24 - 34); and admonitions dipped 44% (15 - 27).

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)*. A license revocation is an annulment of the right to practice law. Revocation is imposed in limited circumstances, such as where a lawyer is admitted to practice based on false or inaccurate information contained in the application for admission to the bar.

A suspension precludes an attorney from practicing law for the period it is in force. Reinstatement is not automatic, but requires an application to and an order from the Court. There are two types of suspensions. Term suspensions 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 suspension (or disbarment), another licensed attorney may not employ the disciplined attorney in any capacity, nor may the latter 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 attorney'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.

SUPREME COURT CASE HIGHLIGHTS

While the Supreme Court (**Figure 3**) did not issue any full opinions in disciplinary matters in 2006, it continued its policy of disbarring repeat offenders who fail to cooperate in disciplinary proceedings. The Court announced this precedent in 2004 in *In re Kantor*, 180 N.J. 226. There the Court was presented with a recidivist attorney who failed to cooperate at every level of the disciplinary system – the district ethics committee, the Review Board and the Supreme Court. In *Kantor*, the Court noted that the attorney left a “record of silence” that

bespoke his disrespect and disdain for the entire disciplinary system. *Id.* at 228. It noted that, in declining to respond to the formal complaint, the attorney, in addition to committing serious unethical conduct, “offered no explanation for his conduct or evidence in mitigation of discipline to the ...Review Board ... 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 “(W)e 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.*

Supreme Court of New Jersey



Top row, left to right: Justice Roberto A. Rivera-Soto; Justice Barry T. Albin; Justice John E. Wallace, Jr.; Justice Helen E. Hoens; Front row, left to right: Justice Virginia Long; Chief Justice James R. Zazzali; Justice Jaynee LaVecchia.

Figure 3

In 2006, the Court cited *Kantor* in two disbarment cases and disbarred another attorney under analogous circumstances. A. Kenneth Weiner was a Middlesex County attorney who had an extensive disciplinary history. He was privately reprimanded in 1988 for failure to safeguard clients’ funds and reprimanded in 1995 for failing to adequately supervise employees. In 2004 Weiner was temporarily suspended for failure to cooperate with a disciplinary investigation. In a 2005 default matter, he received a six-month suspension for gross neglect and misrepresentations. A year later, Weiner received the ultimate sanction for taking monies to represent some twenty clients and then abandoning them. The Lawyers’ Fund for Client Protection reimbursed a number of these clients as a result of findings of “dishonest conduct,” a jurisdictional requirement under the Fund’s rules. Noting that abandonment alone usually calls for suspensions of varying degrees, the Review Board, in an unreported decision, stated that:

“Respondent’s case is akin to *Kantor* in terms of the default nature of the proceedings and the nature of the misconduct (abandonment of clients and failure to cooperate with disciplinary authorities). Both attorneys also had a disciplinary record ... Respondent’s case ... is even more egregious than *Kantor*’s, in that he abandoned more clients (twenty, rather than ten in *Kantor*) and has a more extensive ethics history....” Decision at p. 19-20.

Weiner defaulted at the hearing level, the Review Board stage and also failed to appear at the argument before the Supreme Court He was disbarred on October 10, 2006. 188 *N.J.* 341.

On September 25, 2006, the Court disbarred Middlesex County attorney Barry W. Horowitz. 188 *N.J.* 283. Horowitz had a disciplinary history that included a three-month suspension in 2004 for practicing law while ineligible, lack of diligence, failure to communicate with a client and failure to cooperate with disciplinary authorities. Horowitz defaulted in these proceedings. Then, in 2006, the Court imposed a one-year suspension in another default proceeding where he was found guilty of gross neglect, lack of diligence, failure to communicate with a client, practicing law while ineligible to do so, non-cooperation with disciplinary authorities and misrepresentation.

Later in 2006, Horowitz was again before the Court on a recommendation for disbarment. The charges were that Horowitz, after being suspended for three months, failed to comply with the Court’s Order that he comply with Rule 1:20-20 that requires, among other things, that a respondent notify courts, clients and adversary counsel of the suspension and return case files in pending matters to clients so they could obtain further representation. Because of his failure to respond to the complaint, the allegations were deemed admitted and the record certified to the Review Board for discipline. In its unreported decision, the Review Board noted that “(T)his is respondent’s third default. He continues to flout the disciplinary system and the Court Rules.”

In a companion case before the Court, the Review Board had recommended disbarment in connection with a motion for reciprocal discipline based on Horowitz’s disbarment in New York. Those charges involved instances of gross neglect, failure to communicate and non-cooperation with disciplinary authorities, Citing *Kantor*, the Court imposed disbarment.

The third case involved a Hudson County attorney, James J. Gallo. 188 *N.J.* 478 (2006). That matter was before the Court on two separate recommendations by the Review Board, recommending consecutive one-year suspensions. In one case, Gallo grossly neglected an appeal, a divorce matter and a matter involving the reduction of child support payments for three separate clients. He also failed to communicate with the clients and cooperate with disciplinary authorities at the district, Review Board and Court levels. In the second case, the Review Board also found respondent guilty of non-cooperation with disciplinary authorities.

Gallo had been disciplined on two prior occasions. In 1990 he was suspended for three months for trust account recordkeeping violations that resulted in the negligent misappropriation of client trust funds. In 2006, in another default matter, Gallo was suspended for six months for failing to file a workers’ compensation claim, thereby allowing the statute of limitations to expire. He also failed to communicate with his client, release the file and cooperate with disciplinary authorities.

Gallo did not appear for oral argument before the Review Board and the Court and was disbarred by the Court, which invoked *Kantor*.

OVERVIEW OF FINAL DECISIONS

A more general overview of disciplinary sanctions imposed during 2006 reflects a wide variety of unethical conduct committed by New Jersey lawyers. Carolyn E. Arch of Essex County was suspended for three years for practicing law while already suspended for prior unethical conduct; Eric J. Clayman from Camden

County was censured for knowingly misrepresenting the financial conditions of a bankruptcy client in filings with the court; Bergen County attorney John L. Blunt was reprimanded for negligent misappropriation and recordkeeping violations and failing to cooperate with disciplinary authorities; E. Edward Bowman from Cumberland County was suspended for one year for representing several municipal boards while he was already suspended from practice; James P. Byrne of Hudson County was reprimanded for engaging in a conflict of interest by unethically representing both the driver and passengers in a lawsuit and failing to have written contingent fee agreements; Essex County attorney Dennis Cipriano was reprimanded for making misrepresentations to clients; Arthur P. Condon from Union County was disbarred by consent for knowingly misappropriating \$50,000 in clients' trust funds; and Athena D. Alsobrook of Essex County was censured for engaging in reckless conduct in handling a real estate closing.

Along these same lines, the following cases were representative of the breadth of misconduct for which discipline was imposed. Richard E. Kress of Union County was suspended for six months for using a client's credit card to charge a cruise for himself, knowing that the client was unable to pay the credit card bill; Camden County attorney Jaffa F. Stein was disbarred by consent for knowingly misappropriating over \$36,000 in clients' trust monies; Bruce C. Hasbrouck of Gloucester County was suspended for three months for deliberately breaching the provisions of a court order and releasing assets subject to equitable distribution to his client; Henry B. Noretzky of Passaic County was disbarred for knowingly misappropriating over \$100,000 in clients' trust funds; Camden County attorney Edwin R. Jonas, III was suspended for six months for continuously violating orders entered in his personal matrimonial matter, including removing children to the Cayman Islands; Demetrios J. Katsios of Hudson County received a two-year suspension for improperly releasing escrow funds to his uncle in a real estate transaction and dishonestly submitting altered bank statements to the OAE in the investigation; Salvatore LaRussa, Jr. of Camden County was reprimanded for improperly allowing a wife to sign a husband's name to a release in a personal injury action and then affixing his jurat; Philip J. Simms of Hunterdon County was censured for negligently misappropriating over \$5,000 in clients' trust funds; Irving Tobin of Union County was censured for drafting a client's will, which left the entire residuary estate to the respondent himself; and Morris County attorney Barbara J. Wyskowski was suspended for three months for not cooperating with disciplinary authorities and failing to comply with *R. 1:20-20* requirements after her temporary suspension.

Criminal convictions represent a significant portion of the serious cases that resulted in discipline in 2006. For example, Lester W. Czapelski of Union County (disbarred after conviction for theft of over \$278,000 in clients' trust funds); Pennsylvania attorney Andrew C. Abrams (suspended three years for wire fraud conviction for participating in a scheme to defraud); Frank J. Cozzarelli of Essex County (suspended 13 months as a result of a guilty plea to one count of tax evasion); Eric Yim of Virginia (disbarred for collection of extensions of credit by extortionate means in that he discussed with another arrangements for a debtor to be either seriously injured or killed); Pennsylvania attorney Joseph P. Guarrasi (disbarred for attempted criminal homicide and kidnapping); Ronald D. Brown from Essex County (disbarred for making false statements to a federal agency at Picatinny Arsenal while serving as a JAG officer); Mercer County attorney Robert A. Felmeister (suspended 18 months for misprision of felony as a result of his assistance in a scheme to defraud); Essex County attorney Sonia D. Harris (disbarred for money laundering); Nushy I. Saraya of Hudson County (disbarred for third degree theft by deception and forgery); and Chak Y. Lee of New York (disbarred for grand larceny).

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 2006. Morris County practitioner Stephen D. Landfield was disciplined four times, while James J. Gallo of Hudson County, Barry W. Horowitz from Middlesex County, Steven T. Kearns of Bergen County, Samuel A. Malat from Camden County, Neal Sharma of Mercer County and A. Kenneth Weiner from Middlesex County were all disciplined twice this year. **Figure 7**, located at the end of this chapter, contains a summary listing of all final and emergent discipline and all reinstated attorneys for 2006. It is arranged first by type of sanction and then alphabetically by respondent, followed by individual synopses of all final disciplinary cases.

BASIS FOR FINAL DISCIPLINE

The types of misconduct committed by the 122 attorneys finally sanctioned in 2006 are shown in **Figure 4**. Gross and patterned neglect, 25.4% (31 of 122) remains 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 17% of all sanctions.

Why Attorneys Are Disciplined

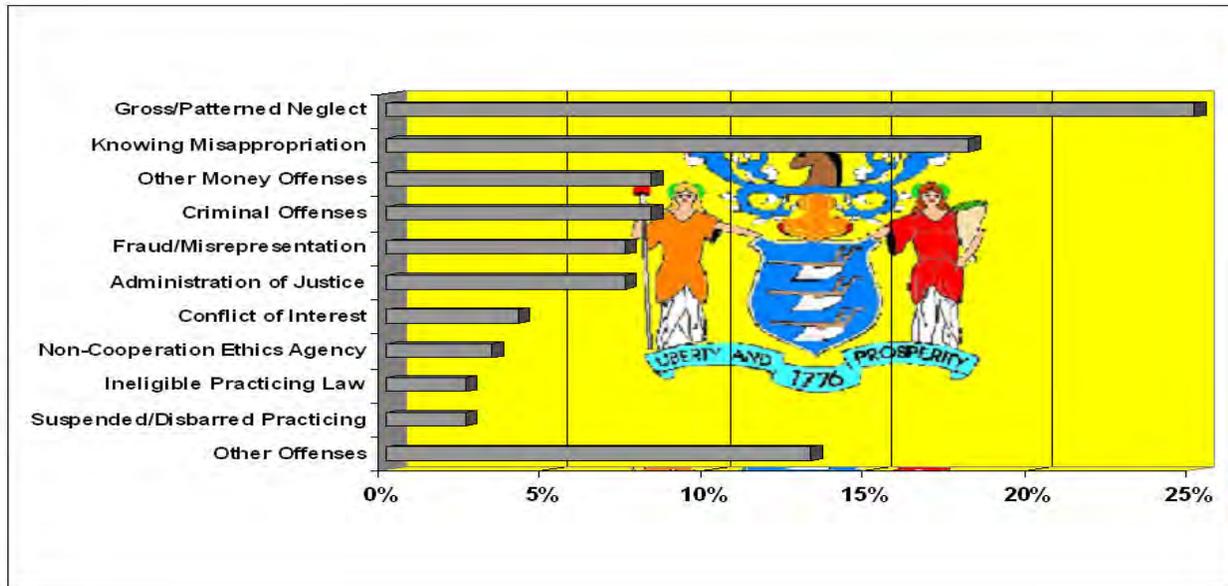


Figure 4

Knowing misappropriation of trust funds at 18.0% (22 of 122 cases) was the second most common cause for sanctions in the state this year. In 2005, the category was third at 11.7%. 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 requires that all financial institutions report to the OAE whenever an attorney trust account check is presented against insufficient funds. During the 23 years of its existence, the Trust Overdraft Program has been the sole reason for the discipline of 110 New Jersey lawyers. Over half of the attorneys (55%) so disciplined were disbarred. In 2006, five attorneys were detected and disciplined through this program: Thomas A. Cattani of Bergen County was suspended for 12 months; Cathy R. Garrett-Davis from Camden County was disbarred; Ocean County attorney William A. Hansen was disbarred by consent; Lucio A. Petrocelli of Bergen County was disbarred and Jaffa F. Stein of Camden County was disbarred.

The Random Audit Program (**Chapter 3**) began conducting audits in 1981. While not designed primarily to detect misappropriation, audits conducted by that program have also resulted in the detection of a number of serious financial violations. Over the 25 years of its operation, a total of 117 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, seven attorneys were disciplined for committing serious financial violations: Alcides T. Andril from Union County was censured; Bergen County attorney John L. Blunt was reprimanded; Gary L. Edelson of Monmouth County was disbarred by consent; William L. Nash from Essex County was disbarred; Phillip J. Simms of Hunterdon County was censured; Essex County attorney Maury R. Winkler was reprimanded and Hudson County attorney Leo R. Vartan was disbarred by consent.

Tied for third place were two categories. The first was “Other Money Offenses” at 8.2% (10 of 122 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 second most frequent reason for discipline at 13.8%. The other category was criminal convictions (excluding misappropriation, fraud and drug convictions) at 8.2% (10 of 122 cases). Last year, this category placed fourth at 10.3%. Criminal offenses run the gamut from tax evasion to wire fraud to attempted homicide and kidnapping. Criminal cases resulting in sanctions in 2006 are summarized further in this chapter under the heading “Disciplinary Decision Overview.”

Fifth place was also a tie. The category of fraud and misrepresentations (whether resulting from criminal or disciplinary findings) occupied 7.4% (9 of 122 cases). In 2005, this group was also ranked fifth at 8.9%. The next group was offenses involving the administration of justice. That group also represented 7.4% (9 of 122 cases). Last year, this category came in sixth with 5.5%. Examples of these matters were Eric J. Clayman of Camden County, who misrepresented his client’s financial condition in a bankruptcy case, and Vincent J. Murphy, Jr. from Bergen County, who used his brother’s driver’s license to misidentify himself to avoid a motor vehicle charge.

The following offenses rounded out the top ten in 2006:

7. Conflict of interest violations came in seventh place this year accounting for 7.4% (5 of 122) cases. Last year this class ranked sixth at 5.5%. These offenses included violations by an attorney drafting contracts of sale which stipulated that the buyers would purchase title insurance from a title company the attorney owned (Robert W. Laveson of Atlantic County), and preparing a will which left the entire residuary estate to the attorney (Irving Tobin of Union County).

8. The eighth most frequent reason for discipline this year was non-cooperation with ethics authorities at 3.3% (4 of 122 cases). In 2005, this group was sixth and represented 5.5%. 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. Some lawyers are disciplined for non-cooperation even though the grievance originally filed against them was ultimately dismissed because there was no proof of unethical conduct. The disciplinary system could not properly function and endeavor to meet its goals for timely disposition of cases without the attorney’s cooperation. Additionally, it is more difficult, sometimes impossible, to ascertain the true facts without the attorney’s help.

9. Coming in ninth place in 2006 were two groups of cases. The first was practicing law while ineligible to do so at 2.5% (3 of 122 cases). This violation arises when lawyers continue to engage in the practice of law after they are ordered by the Supreme Court to cease practicing because they have failed to make payment of the mandatory annual attorney registration licensing fee. Last year this grouping was not in the top ten. The second group of cases was another new category “Suspended/Disbarred Practicing” at 2.5% (3 of 122 cases). This violation occurs when attorneys who have been suspended or disbarred by the Court refuse to discontinue practicing. Elmer E. Bowman, of Cumberland County was one such attorney who, after being suspended for three months in 2004, continued to represent clients, including two municipal planning boards. In 2006, the Court imposed an additional one year suspension for his violation.

EMERGENT SANCTIONS

Where it believes a serious violation of ethical rules has occurred so that an attorney “poses a substantial threat of serious harm to an attorney, a client or the public” the OAE may seek emergent relief in order to protect the public. (*R. 1:20-11*). Usually, such applications seek the attorney’s immediate temporary suspension from practice, pending the outcome of ongoing investigations. In lieu of temporary suspension, the Court may impose a temporary license restriction, which permits the lawyer to practice, but places conditions on that privilege. Conditions may include oversight by a proctor over the attorney and/or trust account. Another form of emergent relief that is non-disciplinary in nature involves an attorney’s transfer to disability-inactive status under *R. 1:20- 12* where, due to mental or physical incapacity, the attorney poses a danger to himself/herself or others.

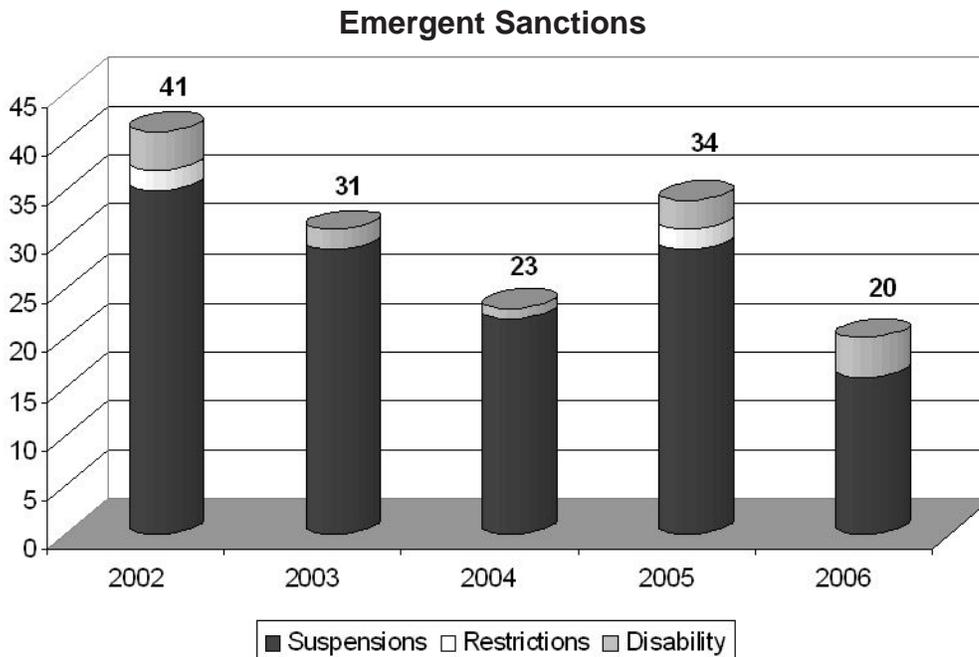


Figure 5

This year, a total of 20 attorneys were the subject of emergent sanctions (16 temporary suspensions, no license restrictions and 4 temporary transfers to disability-inactive). This represents a decrease of 41.2% over the total last year, when 34 emergent sanctions were issued (29 temporary suspensions, 2 license restrictions and 3 temporary disability-inactive transfers). Prior years’ results were: 2004 (23 total - 22 temporary suspensions, no license restrictions and 1 temporary disability-inactive); 2003 (31 total - 29 temporary suspensions, no license restrictions and 2 temporary disability-inactive); and 2002 (41 total - 35 temporary suspensions, 2 license restrictions and 4 temporary disability-inactive). Over the three years prior to 2006, an average of 29.3 lawyers was subjected to emergent relief, a decline of 46.7% versus 2006. The names of respondents receiving emergent discipline in 2006 are listed in **Figure 7** at the end of this chapter.

Misconduct leading to emergent relief involves serious ethical violations. Knowing misappropriation of clients’ trust funds at 35% (7 cases) was the leading reason attorneys were emergently suspended during 2006. This violation was rated in 2005 at 33% (11 cases); in 2004 at 43% (10 cases); in 2003 at 45% (14 cases); and in 2002 at 34% (14 cases).

An attorney’s criminal conviction of a serious crime, as defined in *R. 1:20-13*, was the second most recurrent reason for emergent actions in 2006 at 25% (5 cases). In prior years, the results were: 2005 - 50% (17

cases).; 2004 - 26% (6 cases); 2003 - 23% (7 cases); and 2002 - 27% (11 cases). 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. The third reason for emergent actions this year was transfer to disability-inactive status, which accounted for 20% (4 cases). Last year, this category accounted for 9% (3 cases). In prior years, the breakdown was 4% in 2004 (1 case), 6% in 2003 (2 cases); and 10% in 2002 (4 cases). In fourth place was non-cooperation with disciplinary authorities. This year, this category accounted for 15% (3 cases). This category did not play a role in 2005 or 2004. In 2003 it represented 6% (2 cases) and 10% (4 cases) in 2002. 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. The non-payment of fee arbitration awards came in fifth place in 2006 at 5% (1 case). Last year in 2005 this category was responsible for 9% (3 cases). Previous years statistics were: 2004 - 22% (5 cases); 2003 - 16%; (5 cases); and 2002 - 5% (2 cases).

RELATED DISCIPLINARY ACTIONS

The attorney disciplinary system also handles a significant number of other related disciplinary actions involving New Jersey attorneys. During 2006, the disciplinary system undertook a total of 126 such actions, including: 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. Last year, the OAE handled 131 related disciplinary actions.

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 Court. The Court assigns the OAE to represent the Committee on Character (Character Committee) at all oral arguments.

All applications for admission to the bar are reviewed by the Character Committee, whose proceedings are conducted in accordance with *R. 1:25*. Their purpose is to determine the applicant’s “fitness to practice.” In order to meet fitness requirements, a bar applicant must process the traits of honesty, truthfulness, trustworthiness and reliability. The Character Committee may hold hearings, after which a recommendation, either to certify or to withhold certification, is filed with the Court. The Court may schedule the matter for oral argument, where the OAE presents the case. This year the OAE argued four character cases. In 2005, the OAE 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. The OAE was assigned one such investigation this year.

Prosecutions for contempt of Court under *R. 1:20-16(i)* are another category of cases entrusted to the OAE. These actions involve the improper, continued practice of law by suspended and disbarred attorneys. The OAE may file and prosecute an action for contempt before the Assignment Judge of the vicinage where the respondent engaged in the prohibited practice of law. It also has the authority to file disciplinary complaints against offending attorneys seeking sanctions for their violations. During 2006, disbarred Bergen County attorney Lucio A. Petrocelli was held in contempt by order of Assignment Judge Sybil R. Moses, effective March 30, 2006. On August 15, 2006, temporarily suspended Morris County attorney Andrew M. Kimmel was held in contempt by Assignment Judge B. Theodore Bozonelis and ordered to pay a \$200 fine.

DIVERSIONARY ACTIONS

Garden State practitioners who have committed “minor” unethical conduct may be eligible for diversion from the disciplinary system where the attorney agrees and undertakes certain remedial measures. Both the chair of an Ethics Committee and the OAE Director must approve diversion. A grievant is given a period of ten days notice to comment prior to the Director’s final 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 disciplinary sanction) if the matter proceeded to a hearing. Treating appropriate cases by diversion early on in the process allows an attorney to (1) acknowledge a mistake, and (2) take some remedial steps (sometimes beneficial to the grievant). This process also allows the disciplinary system to focus resources on 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 2006, a total of 85 requests for diversion were received by the OAE; two were declined, leaving 83 approved. By the end of the year, 40 of those cases were successfully completed, none failed and 43 were still pending. Last year, there were 88 requests for diversion and no rejections. The most common offenses giving rise to diversion in 2006 were: gross negligence/lack of diligence/ competence (17); negligent misappropriation (11); lack of communication with clients (8); minor conflicts of interest violations (8); other money violations (6) and supervisory responsibilities (5). Last years’ most common offenses were gross negligence/lack of diligence/ competence (23); supervisory responsibilities (15); lack of communication with clients (11); and minor conflicts of interest violations (6). The New Jersey State Bar Association’s Ethics Diversionary Education Course was the most popular condition imposed in diversionary matters this year (69). Other required conditions included payment of refunds/restitution (13), sending letters of apology (10) and improving law office procedures. Last year, attendance at the State Bar’s Diversionary Course was also the primary remedial condition (76).

REINSTATEMENT PROCEEDINGS

A suspended attorney may not practice again until after filing a reinstatement application and after reinstatement by the Court. The application is reviewed by the OAE, the Review Board and the Court. There is no procedure for a disbarred attorney to apply for reinstatement since disbarment is permanent. *In re Wilson*, 81 N.J. 451, 456 n5 (1979) and R. 1:20-15A(a)(1). Where the attorney is suspended for over six months, a reinstatement petition may not be made until after expiration of the time period provided in the suspension order. R. 1:20-21(a). Where the suspension is for six months or less, the attorney may file a petition and publish the required public notice 40 days prior to the expiration of the suspension period. R. 1:20-21(b).

In reinstatement proceedings, the burden of proof 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) and in a newspaper of general circulation in each county where the attorney practiced and resided at the time of suspension. The Court reinstated 15 attorneys in 2006, a decrease of 17% from the 18 who were reinstated last year. Attorneys reinstated in prior years were: 18 for 2005; 16 for 2004; 16 for 2003; and 23 for 2002. During the past five years, the Court reinstated an average of just over 17 attorneys. **Figure 7**, located at the end of this chapter, contains a list of all 2006 reinstated attorneys.

MONITORED ATTORNEYS

The Court imposes monitoring conditions on some attorneys, either as a result of previous reinstatement proceedings or in connection with sanctions imposed in disciplinary proceedings. Generally, there are several types of practice conditions. A proctorship is imposed on those attorneys who need intensive guidance and oversight by a seasoned practitioner. Rule.1:20-18 imposes specific reporting responsibilities on both the respondent 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 attorney trust and business records. A further condition is random, periodic drug testing at the attorney's expense. Finally, some attorneys are required to take ethics or substantive law courses. Twenty-one (21) attorneys were being monitored as of December 31, 2006. **Figure 6.**

During calendar year 2006, nine (9) attorneys were added to the list of those monitored by the OAE: Marc A. Calello of Passaic County; Susan R. Dargay of Burlington County; Jon M. DeMasi of Gloucester County; Hamlet E. Goore, Jr. of Union County; David L. Kervick of Union County; Wilfrid LeBlanc, Jr. of Union County; Emilio Santiago of Passaic County; Phillip J. Simms of Hunterdon County and William T. Yadlon of Middlesex County.

A total of ten (10) attorneys were removed from the OAE supervision list: Henry J. Aratow of Morris County; Thomas J. Forkin of Atlantic County; Jeffrey A. Foushee and Jeffry F. Nielsen of Essex County; Steve Hallett and Russell T. Kivler of Mercer County; Marvin Lehman of Union County; Philip J. Moran of Somerset County; Ben W. Payton of Middlesex County and Daniel B. Zonies of Camden 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, Jeffry 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 6

YEARLY DISCIPLINE REPORT AND SUMMARIES
OFFICE OF ATTORNEY ETHICS
(1/1/2006 to 12/31/2006)

DISBARMENT (16)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Brown, Ronald D.	1976	Essex	03/14/2006	03/14/2006
Forkin, Thomas J.	1995	Atlantic	02/21/2006	02/21/2006
Gallo, James J.	1978	Hudson	10/31/2006	10/31/2006
Garrett-Davis, Cathy R.	1991	Camden	09/26/2006	09/26/2006
Harris, Sonia Denise	1987	Essex	02/15/2006	02/15/2006
Horowitz, Barry W.	1986	Middlesex	09/25/2006	09/25/2006
Lee, Chak Y.	1990	New York	09/26/2006	09/26/2006
McClea, Nicholas W.	1973	Essex	05/02/2006	05/02/2006
Monahan, Francis R.	1990	Hudson	02/14/2006	02/14/2006
Musto, Victor M.	1983	Monmouth	03/07/2006	03/07/2006
Nash, William L.	1992	Essex	05/23/2006	05/23/2006
Petrocelli, Lucio A.	1987	Bergen	03/14/2006	03/14/2006
Saraya, Nussy I.	1978	Hudson	05/09/2006	05/09/2006
Thomas, Richard R. II	1996	Middlesex	11/28/2006	11/28/2006
Weiner, A. Kenneth	1970	Middlesex	10/10/2006	10/10/2006
Yim, Eric	2002	Virginia	09/11/2006	09/11/2006

DISBARMENT BY CONSENT (13)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Bernhard, Matthew B.	1997	Hudson	08/09/2006	08/09/2006
Condon, Arthur P.	1970	Union	06/01/2006	06/01/2006
Czapelski, Lester W.	1992	Union	11/02/2006	11/02/2006
Edelson, Gary L.	1988	Monmouth	09/27/2006	09/27/2006
Garcia, Rick A.	1986	Passaic	11/29/2006	11/29/2006
Giegerich, Robert A. Jr.	1973	Union	06/06/2006	06/06/2006
Guarrasi, Joseph P.	1997	Pennsylvania	02/15/2006	02/15/2006
Hansen, William A.	1977	Ocean	05/17/2006	05/17/2006
Haywood, Alwin M.	1990	Somerset	09/13/2006	09/13/2006
Noretsky, Harry B.	1974	Passaic	06/20/2006	06/20/2006
Scoon, Michael C.	1996	Union	01/27/2006	01/27/2006
Stein, Jaffa F.	1983	Camden	08/31/2006	08/31/2006
Vartan, Leo R.	1969	Hudson	11/08/2006	11/08/2006

SUSPENSION TERM (39)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Abrams, Andrew C. - 36 Mo.	1988	Pennsylvania	05/23/2006	10/31/2005
Arch, Carolyn E. - 36 Mo.	1965	Essex	02/07/2006	05/05/2004
Armour, Frank L. - 6 Mo.	1966	Morris	12/05/2006	12/05/2006
Becker, Avrohom - 3 Mo.	1988	New York	06/09/2006	11/10/2005
Bode, George A. - 36 Mo.	1976	Louisiana	05/23/2006	05/23/2006
Bornstein, Eric H. - 6 Mo.	1994	Ocean	06/21/2006	06/21/2006
Bowman, Elmer E. - 12 Mo.	1984	Cumberland	06/21/2006	06/21/2006
Calello, Marc Andrew - 3 Mo.	1989	Essex	05/09/2006	06/05/2006
Cattani, Thomas A. - 12 Mo.	1988	Bergen	03/28/2006	04/24/2006

Figure 7

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Cheek, Russell G. - 3 Mo.	1980	Ocean	06/09/2006	07/05/2006
Cozzarelli, Frank J. - 13 Mo.	1977	Essex	03/06/2006	01/24/2005
D'Andrea, Joseph R. - 18 Mo.	1987	Pennsylvania	05/23/2006	05/23/2006
Felmeister, Robert A. - 18 Mo.	1978	Mercer	02/07/2006	03/15/2005
Gallo, James J. - 6 Mo.	1978	Hudson	03/21/2006	04/21/2006
Giamanco, Thomas A. - 3 Mo.	1983	Bergen	11/17/2006	11/17/2006
Gokhale, Vijay M. - 12 Mo.	1983	Middlesex	04/28/2006	09/18/2003
Gross, Howard A. - 3 Mo.	1992	Camden	03/07/2006	Suspended
Hasbrouck, Bruce C. - 3 Mo.	1977	Gloucester	02/21/2006	03/20/2006
Henry, James P. - 3 Mo.	1967	Monmouth	07/06/2006	01/19/2006
Horowitz, Barry W. - 12 Mo.	1986	Middlesex	05/23/2006	05/23/2006
Jimenez, Fernando J. - 18 Mo.	1999	Hudson	06/21/2006	09/07/2004
Johnston, Mark E. - 36 Mo.	1991	Pennsylvania	10/17/2006	05/13/2005
Jonas, Edwin R. III - 6 Mo.	1975	Camden	01/24/2006	09/02/2005
Katsios, Demetrios J. - 24 Mo.	1994	Hudson	01/04/2006	01/30/2006
Kearns, Steven T. - 3 Mo.	1982	Bergen	01/24/2006	01/24/2006
Kearns, Steven T. - 6 Mo.	1982	Bergen	07/06/2006	07/06/2006
Kress, Richard H. - 6 Mo.	1979	Union	03/14/2006	04/10/2006
Landfield, Stephen D. - 3 Mo.	1984	Morris	01/24/2006	01/24/2006
Landfield, Stephen D. - 3 Mo.	1984	Morris	03/28/2006	03/28/2006
Landfield, Stephen D. - 6 Mo.	1984	Morris	01/24/2006	01/24/2006
Landfield, Stephen D. - 6 Mo.	1984	Morris	01/24/2006	01/24/2006
London, Jay M. - 3 Mo.	1988	Burlington	04/28/2006	04/28/2006
Malat, Samuel A. - 12 Mo.	1989	Camden	06/21/2006	06/21/2006
Moran, Philip J. - 12 Mo.	1975	Somerset	11/06/2006	11/06/2006
Roberson, James O. Jr. - 6 Mo.	1986	Dist of Col.	05/23/2006	05/23/2006
Simmons, Anthony J. - 36 Mo.	1989	Essex	05/02/2006	03/21/2003
Skoller, Stephen H. - 24 Mo.	1983	Essex	03/21/2006	03/21/2006
Weiner, A. Kenneth - 24 Mo.	1970	Middlesex	05/09/2006	05/09/2006
Wyskowski, Barbara J. - 3 Mo.	1993	Morris	05/09/2006	Indefinite

CENSURE (15)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Alsobrook, Athena D.	1987	Essex	02/07/2006	02/07/2006
Andril, Alcides T.	1976	Union	10/17/2006	10/17/2006
Carlin, Kevin J.	1985	Mercer	09/06/2006	09/06/2006
Clayman, Eric J.	1985	Camden	02/21/2006	02/21/2006
Epstein, Jill R.	2000	New York	09/19/2006	09/19/2006
Franks, Harry E. Jr.	1989	Atlantic	10/17/2006	10/17/2006
Hirsch, Ian J.	1972	Bergen	09/06/2006	09/06/2006
Jacoby, Peter H.	1987	Somerset	10/16/2006	10/16/2006
LeBlanc, Wilfrid Jr.	1998	Union	10/31/2006	10/31/2006
Lynch, Gerald M.	1977	Middlesex	03/20/2006	03/20/2006
Pocaro, Jeffrey R.	1982	Union	07/17/2006	07/17/2006
Regojo, Fernando J.	1981	Hudson	02/07/2006	02/07/2006
Sharma, Neal	1992	Mercer	04/28/2006	04/28/2006
Simms, Phillip J.	1974	Hunterdon	01/24/2006	01/24/2006
Tobin, Irving	1957	Union	02/07/2006	02/07/2006

PUBLIC REPRIMAND (24)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Agrapidis, Evans C.	1983	Bergen	09/06/2006	09/06/2006
Barnes, Franklin H. IV	1992	Morris	03/28/2006	03/28/2006
Blunt, John L.	1988	Bergen	06/09/2006	06/09/2006
Brekus, Andrew J.	1986	Camden	04/28/2006	04/28/2006
Byrne, James P.	1991	Hudson	09/06/2006	09/06/2006
Cipriano, Dennis A.	1966	Essex	07/06/2006	07/06/2006
DeMasi, Jon M.	1991	Gloucester	03/28/2006	03/28/2006
Kivler, Russell T.	1973	Mercer	12/05/2006	12/05/2006
LaRussa, Salvatore S. Jr.	1992	Camden	09/06/2006	09/06/2006
LaVergne, Eugene M.	1990	Monmouth	02/21/2006	02/21/2006
Laveson, Robert W.	1982	Atlantic	09/06/2006	09/06/2006
Lutz, Jeffrey W.	1975	Ocean	10/03/2006	10/03/2006
McBride, Bernard J. Jr.	1990	Gloucester	10/17/2006	10/17/2006
Moeller, G. J.	1978	Essex	10/03/2006	10/03/2006
Mott, Joel A. III	1979	Cape May	04/11/2006	04/11/2006
Murphy, Vincent J. Jr.	1983	Bergen	12/05/2006	12/05/2006
Sharma, Neal	1992	Mercer	04/28/2006	04/28/2006
Tan, Herbert J.	1998	Essex	10/17/2006	10/17/2006
VanDam, David H.	1981	Passaic	06/09/2006	06/09/2006
Walsh, Henry A. Jr.	1993	Ocean	09/19/2006	09/19/2006
Williams, Avis C.	1987	Atlantic	06/21/2006	06/21/2006
Williams, Scott L.	1994	Cumberland	09/06/2006	09/06/2006
Williamson, Thomas D.	1976	Somerset	03/14/2006	03/14/2006
Winkler, Maury R.	1990	Essex	03/21/2006	03/21/2006

ADMONITION (15)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Blacker, Michael B.	1966	Union	01/24/2006	01/24/2006
Brummell, William C.	1970	Essex	03/28/2006	03/28/2006
Callegari, Lawrence	1993	Passaic	01/26/2006	01/26/2006
Dargay, Susan R.	1987	Burlington	09/19/2006	09/19/2006
DeVito, Frank D.	1979	Monmouth	07/21/2006	07/21/2006
Epstein, Jamie M.	1990	Camden	09/28/2006	09/28/2006
Katz, April L.	1993	Union	10/05/2006	10/05/2006
Lowenstein, Joseph J.	1985	Passaic	02/23/2006	02/23/2006
Malat, Samuel A.	1989	Camden	03/17/2006	03/17/2006
O'Byrne, Edward G.	1963	Passaic	10/27/2006	10/27/2006
Perone, Patrick N.	1992	Ocean	09/06/2006	09/06/2006
Richardson, James C.	1965	Somerset	02/23/2006	02/23/2006
Sullivan, Margaret C.	1980	Bergen	07/26/2006	07/26/2006
Washington, Gordon A.	1985	Bergen	01/26/2006	01/26/2006
Yadlon, William T.	1983	Middlesex	09/19/2006	09/19/2006

TOTAL FINAL DISCIPLINE 122

TEMPORARY SUSPENSION (16)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Barnes, Franklin H. IV	1992	Morris	06/21/2006	06/21/2006
Becker, Heywood E.	1979	Hunterdon	12/01/2006	12/01/2006
Darrow, David J.	1978	Essex	05/01/2006	05/01/2006

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Flanagan, Mary N.	1992	Warren	11/28/2006	11/28/2006
Garrett-Davis, Cathy R.	1991	Camden	06/09/2006	06/09/2006
Hussain-El, Amin K.	1987	New York	09/19/2006	09/19/2006
Jones, Anthony C.	1998	Bergen	07/27/2006	07/27/2006
Kimmel, Andrew M.	1968	Morris	05/23/2006	05/23/2006
Kivler, Russell T.	1973	Mercer	10/10/2006	10/10/2006
Lynch, John A. Jr.	1963	Monmouth	09/19/2006	09/19/2006
McGuire, Andre L.	1985	Union	02/24/2006	02/24/2006
Pilgrim, Avery C.	1985	Essex	03/20/2006	03/20/2006
Serrano, Linda M.	1992	Middlesex	04/06/2006	04/06/2006
Stein, Jaffa F.	1983	Camden	01/04/2006	01/04/2006
Weinberg, James M.	1983	Union	03/15/2006	03/15/2006
Yim, Eric	2002	Virginia	02/17/2006	02/17/2006

TEMPORARY DISABILITY INACTIVE (4)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Caola, Victor J.	1980	Ocean	05/16/2006	05/16/2006
Glasner, Edmund P.	1985	Ocean	06/15/2006	06/15/2006
Gronlund, Glenn R.	1974	Atlantic	06/02/2006	06/02/2006
Hammer, Vivian M.	1990	Passaic	06/09/2006	06/09/2006

TOTAL TEMPORARY DISCIPLINE 20

REINSTATEMENTS (15)

<u>ATTORNEY</u>	<u>SUSPENDED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Calello, Marc A.	06/05/2006	Essex	09/27/2006	09/27/2006
Cheek, Russell G.	07/05/2006	Ocean	12/05/2006	12/05/2006
David, Earl Seth	10/20/2004	New York	04/28/2006	04/28/2006
Guzzino, Leonard C. III	12/23/1997	Hunterdon	01/25/2006	01/25/2006
Haldusiewicz, Joseph J.	12/01/2005	Hudson	07/25/2006	07/25/2006
Hasbrouck, Bruce C.	03/20/2006	Gloucester	06/21/2006	06/21/2006
Jimenez, Fernando J.	09/07/2004	Hudson	09/27/2006	09/27/2006
Kervick, David L.	05/19/2005	Union	03/24/2006	03/24/2006
Kivler, Russell T.	10/10/2006	Mercer	11/02/2006	11/02/2006
Kress, Richard H.	04/10/2006	Union	12/05/2006	12/05/2006
Lawrence, Herbert F.	12/01/2005	Monmouth	11/01/2006	11/01/2006
Onorevole, Richard M.	11/01/2005	Morris	08/03/2006	08/03/2006
Richardson, Mary H.	08/10/2005	Middlesex	05/25/2006	05/25/2006
Santiago, Emilio	03/28/2003	Passaic	01/26/2006	01/26/2006
Silverman, David S.	10/21/2005	Passaic	11/27/2006	11/27/2006

TOTAL REINSTATEMENTS 15

STATISTICAL SUMMARY OF DISCIPLINE IMPOSED

ALL FINAL DISCIPLINE.....122

ALL TEMPORARY DISCIPLINE.....20

ALL REINSTATEMENTS.....15

Andrew C. Abrams – Suspended for three years effective October 31, 2005 (*186 N.J. 589*) as a result of respondent's criminal conviction in the United States District Court for the Eastern District of Pennsylvania of two counts of wire fraud, violations of 18 U.S.C.A. §1343. These charges arose from respondent's participation in a scheme to defraud Thermadyne Holdings Corporation in connection with its purchase of Woodland Cryogenics, Inc., of which respondent was a part owner and general counsel. Richard J. Engelhardt appeared before the DRB for the OAE and respondent failed to appear. Respondent was previously disciplined: Temporarily suspended in 2005.

Evans C. Agrapidis – Reprimanded on September 6, 2006 (*188 N.J. 248*) for unethically paying 12 referral fees totalling \$20,000 to his non-lawyer employees for referring cases to his law firm. The amount of the referral fee was based on a percentage of the legal fee ultimately received by the firm. Lee A. Gronikowski appeared before the DRB for the OAE and Alan Zegas waived appearance for the respondent.

Athena D. Alsobrook – Censured on February 7, 2006 (*186 N.J. 65*) for engaging in reckless conduct in connection with a real estate transaction by disbursing closing proceeds without securing a signed deed, paying off the sellers' mortgage on the property with a loan unsecured by a new mortgage on the property (since the buyers did not have title), and disbursing the remainder of the closing funds to the sellers, who were in the middle of divorce proceedings, and then to only one of them. Ricki Anne Sokol appeared before the DRB for District VB and Vera Elaine Carpenter represented the respondent.

Alcides T. Andril – Censured on October 17, 2006 (*188 N.J. 385*) for failing to supervise secretaries who overcharged clients for title costs so that the law firm would not have to absorb the costs associated with the secretaries' late payment of mortgage payoffs. Respondent also knowingly made a false statement to an OAE auditor during the course of the investigation of the matter. Lee A. Gronikowski appeared before the DRB for the OAE and Donald A. DiGioia appeared for the respondent. This matter was discovered solely as a result of a random compliance audit.

Carolyn E. Arch – Suspended for three years effective May 5, 2004 on a certified record (*186 N.J. 2*) for practicing law during a period in which she was previously suspended for a period of three months. During this time, respondent appeared in the Superior Court of New Jersey on behalf of a defendant in a civil matter and argued the cause. The respondent also failed to cooperate with disciplinary authorities during the investigation and processing of the matter. Walton W. Kingsbery III appeared before the DRB for the OAE and respondent failed to appear. The respondent was previously disciplined: Privately reprimanded in 1991; admonished on two occasions in 2002; suspended for three months on two occasions in 2004.

Frank L. Armour – Suspended for six months on December 5, 2006 (*___ N.J. ___*) for pleading guilty in the Superior Court of New Jersey, Law Division, Essex County to the fourth degree crime of endangering the welfare of children, in violation of N.J.S.A. 2C:24-4(b)(5)(b). The charges involved respondent's viewing of more than 50 images of child pornography on the Internet of his government-owned computer while working as the General Counsel for the Newark Housing Authority. Richard J. Engelhardt appeared before the DRB for the OAE and respondent waived appearance.

Franklin H. Barnes, IV – Reprimanded on March 28, 2006 on a certified record (*186 N.J. 265*) for failing to act diligently in a real estate transaction and failing to cooperate with disciplinary authorities during the investigation and processing of the matter. Mark A. Blount appeared before the DRB for District X and respondent failed to appear.

Avrohom Becker – Suspended for three months effective November 10, 2005 (*187 N.J. 066*) as a result of his suspension for three months in the State of New York for numerous instances of misrepresentation in a single matter, including his altering of settlement documents by omitting his client's first name, allowing his client's son to sign the altered documents, submitting the documents to the City of New York without disclosing that his client had died and endorsing and depositing the settlement check in the case. Richard J. Engelhardt appeared before the DRB for the OAE and respondent appeared pro se.

Matthew B. Bernhard – Disbarred by consent on August 9, 2006 (*188 N.J. 117*) as a result of knowingly misappropriating clients' trust funds in the amount of approximately \$495,000. Walton W. Kingsbery III represented the OAE and Brian J. Neary represented respondent.

Michael B. Blacker – Admonished on January 24, 2006 (*Unreported*) for failing to act diligently and making misrepresentations to a client in connection with a matrimonial matter.

John L. Blunt – Reprimanded on June 9, 2006 (*187 N.J. 071*) as a result of his negligent misappropriation of client trust funds, various attorney trust recordkeeping violations and failure to cooperate with disciplinary authorities during the investigation of this matter. Michael J. Sweeney appeared before the Supreme Court for the OAE and Robert E. Rochford appeared for the respondent. This matter was discovered solely by the Random Audit Program. The respondent was previously disciplined: Reprimanded in 2002.

George A. Bode – Suspended for three years on May 23, 2006 (*186 N.J. 585*) based upon respondent's three year suspension in the State of Colorado resulting from respondent's misconduct, including backdating a certificate of mailing in connection with matters pending before the United States Patent and Trademark Office; failing to keep clients informed about the status of their patent applications, which resulted in the abandonment of eight patent and trademark applications; neglecting legal matters, failing to carry out professional contracts of employment; and failing to reply to requests for information from the United States P.T.O. disciplinary authorities. Richard J. Engelhardt appeared before the DRB for the OAE and respondent failed to appear.

Eric H. Bornstein – Suspended for six months on a certified record on June 21, 2006 (*187 N.J. 87*) as a result of respondent's criminal conduct in assaulting an individual in the State of Massachusetts. Walton W. Kingsbery III represented the OAE before the DRB and respondent failed to appear.

E. Edward Bowman – Suspended for one year on June 21, 2006 (*187 N.J. 84*) for engaging in the practice of law while already suspended for prior violations. The respondent maintained a law office where he met with clients and also acted as the Lawrence Township Planning Board solicitor and the Stow Creek Planning Board solicitor. Additionally, the respondent failed to file the appropriate affidavit of compliance as required of all suspended attorneys. He also failed to cooperate with the Office of Attorney Ethics and did not cease practicing law during the period of his suspension, necessitating the OAE's filing a motion to hold him in contempt, which motion was ultimately consented to by the respondent when a hearing was scheduled in the Superior Court of New Jersey. Walton W. Kingsbery III appeared before the DRB for the OAE and respondent appeared pro se. The respondent was previously disciplined: Suspended for three months in 2004.

Andrew J. Brekus – Reprimanded on April 28, 2006 (*186 N.J. 409*) for failing to cooperate with disciplinary authorities during the investigation and processing of a matter and failing to live up to his representation in an earlier disciplinary matter to honor a verbal agreement to settle his client's potential malpractice claim against him by paying \$8,000 plus reasonable medical expenses. Anne S. Cantwell appeared before the DRB for District IV and John T. Kelley appeared for the respondent. The respondent was previously disciplined: Admonished in 2000.

Ronald D. Brown – Disbarred on March 14, 2006 (*186 N.J. 160*) for pleading guilty to an Information filed in the United States District Court for the District of New Jersey charging him with three counts of False Statements to a Federal Agency or Department, a violation of 18 U.S.C. §1001(a)(2). The factual basis for the plea was that the respondent worked for the Department of the Army, Picatinny Arsenal, New Jersey, representing the United States in approximately 1,627 traffic and misdemeanor matters. In order to do so, respondent signed false certifications in 2000, 2002 and 2003 that he was currently licensed and eligible to practice law in New Jersey, knowing that his license to practice had been suspended in 1991 and that it had not been reinstated. Richard J. Engelhardt appeared before the Supreme Court for the OAE and William A. Kraus represented the respondent. The respondent was previously disciplined: Suspended for six months in 1991 and suspended for three years in 1995.

William C. Brummell – Admonished on March 28, 2006 (*Unreported*) for practicing law while on the Ineligible List for over one year. John J. Peirano appeared before the DRB for District VB and respondent appeared pro se. The respondent was previously disciplined: Reprimanded in 2002.

James P. Byrne – Reprimanded on September 6, 2006 (*188 N.J. 249*) for engaging in conflicts of interest, representing both the driver and the passenger in filing claims against each other, failing to have written contingent fee agreements in nine personal injury matters and improperly allowing his staff to sign settlement checks on behalf of clients in personal injury matters. Nitza I. Blasini appeared before the DRB for the OAE and Louis Santore appeared for the respondent.

Marc A. Calello – Suspended for 3 months effective June 5, 2006 (*186 N.J. 463*) for representing multiple personal injury clients without obtaining proper retainer agreements, including unlimited powers of attorney in a number of retainer

agreements that were obtained, failing to maintain proper trust accounts records, passively commingling earned legal fees in his attorney trust account and unethically representing drivers and passengers in motor vehicle accident cases. Janice L. Richter appeared before the DRB for the OAE and John McDonald represented the respondent.

Lawrence Callegari – Admonished on January 26, 2006 (*Unreported*) for negligently misappropriating clients' trust funds due to a failure to prepare monthly trust reconciliations as required by rule. Michael J. Sweeney appeared before the DRB for the OAE and respondent appeared pro se.

Kevin J. Carlin – Censured on September 6, 2006 (*188 N.J. 250*) when, as fiduciary of an estate, respondent failed to act diligently, failed to communicate with a client, failed to terminate the trust and distribute all funds due, made misrepresentations and failed to maintain proper accounting records of the funds entrusted to him. Janice L. Richter appeared before the DRB for the OAE and Carl D. Poplar appeared for the respondent. The respondent was previously disciplined: Reprimanded in 2003.

Thomas A. Cattani – Suspended for one year effective April 24, 2006 (*186 N.J. 267*) for failing to file federal income tax returns for the years 1992 through 1999. The respondent also negligently misappropriated client trust funds, failed to maintain proper trust accounting records and entered into a prohibited business transaction with a client without complying with Rule of Professional Conduct 1.8(a). Nitza I. Blasini 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.

Russell G. Cheek – Suspended for three months effective July 5, 2006 (*187 N.J. 069*) for failing to resolve outstanding financial payments to an estate as he agreed to do in a previous disciplinary matter where he had neglected an estate and caused penalties from his failure to timely file a New Jersey inheritance tax return. Melissa Czartoryski appeared before the Supreme Court for the OAE and respondent appeared pro se. The respondent was previously disciplined: Admonished in 1996; reprimanded in 1999 and suspended for three months in 2003.

Dennis A. Cipriano – Reprimanded on July 6, 2006 (*187 N.J. 196*) for making misrepresentations to clients in a litigated matter, failing to communicate with the client, and failing to explain a matter to the extent reasonably necessary for the client to make an informed decision. Raymond Hamlin appeared before the DRB for District VB and Richard Sapinski appeared for the respondent. The respondent was previously disciplined: Reprimanded in 1975.

Eric J. Clayman – Censured on February 21, 2006 (*186 N.J. 73*) for knowingly misrepresenting the financial condition of a bankruptcy client in filings with the Bankruptcy Court in order to conceal information detrimental to his client's Chapter 13 bankruptcy petition. Nitza I. Blasini appeared before the DRB for the OAE and Robert Agre appeared for the respondent.

Arthur P. Condon – Disbarred by consent on June 1, 2006 (*187 N.J. 049*) for knowingly misappropriating \$50,000 in client trust funds in a real estate matter. Walton W. Kingsbery III represented the OAE and Bartholomew A. Sheehan, Jr. represented the respondent.

Frank J. Cozzarelli – Suspended for thirteen months effective January 24, 2005 (*186 N.J. 156*) as a result of his guilty plea to one count of tax evasion (U.S.C.A. §7201) for the year 1996. Richard J. Engelhardt appeared before the Supreme Court for the OAE and Franklin Sachs appeared for the respondent. The respondent was previously disciplined: Temporarily suspended in 2005.

Lester W. Czapelski – Disbarred by consent on November 2, 2006 (*177 N.J. 500*) as a result of a criminal conviction in the Superior Court of New Jersey, Union County, to three indictments involving the theft of over \$278,000 from various clients. John J. Janasie represented the OAE and Mary Frances Palisano represented the respondent. The respondent was previously disciplined: Temporarily suspended in 2003.

Joseph R. D'Andrea – Suspended for eighteen months effective May 7, 2004 (*186 N.J. 586*) as a result of his guilty plea in the United States District Court for the Eastern District of Pennsylvania to one count of willfully subscribing a false 1995 federal income tax return, in violation of 26 U.S.C.A. §7206(1). Richard J. Engelhardt appeared before the DRB for the OAE and respondent appeared pro se.

Susan R. Dargay – Admonished on September 19, 2006 (*Unreported*) for engaging in gross neglect, lack of diligence and failure to communicate with a client arising out of representation in a matrimonial matter. Bonnie L. Laube appeared

before the DRB for District I and Katherine D. Hartman represented the respondent. The respondent was previously disciplined: Admonished in 2002.

Jon M. DeMasi – Reprimanded on March 28, 2006 (*186 N.J. 267*) for engaging in gross neglect and a pattern of neglect in three matters, failure to communicate with clients, failure to have a written retainer agreement and failure to cooperate with disciplinary authorities during the investigation and processing of the matter. Shereen Chen appeared before the DRB for District IV and Teri Lodge appeared for respondent. The respondent was previously disciplined: Reprimanded in 2003.

Frank D. DeVito – Admonished on July 21, 2006 (*Unreported*) for practicing law while ineligible, failing to maintain proper business and trust account records in accordance with *R.1:21-6* and failing to cooperate with the Office of Attorney Ethics during the investigation and processing of this matter. Lee A. Gronikowski represented the OAE before the DRB and respondent represented himself.

Gary L. Edelson – Disbarred by consent on September 27, 2006 (*188 N.J. 282*) for his knowing misappropriation of over \$10,000 of clients' trust funds. Michael J. Sweeney represented the OAE and Mary Beth Schroeder represented the respondent. The respondent was previously disciplined: Temporarily suspended in 2005.

Jamie M. Epstein – Admonished on September 28, 2006 (*Unreported*) for trial misconduct before an Administrative Law Judge when respondent persisted in arguing evidentiary points after the judge had already made his rulings and despite his warnings that respondent's conduct could be met with sanctions. Several days later, the respondent appeared again and, again, disrupted the proceedings. Christine P. O'Hearn appeared before the DRB for District IV and Mark J. Molz represented the respondent.

Jill R. Epstein – Censured on a certified record on September 19, 2006 (*188 N.J. 272*) for failing to represent a real estate client with diligence, failing to communicate with a client, failing to properly deliver escrow funds to the client, failing to maintain required records until *R.1:21-6*, and failing to cooperate with disciplinary authorities during the investigation and processing of this matter. Melissa A. Czartoryski appeared before the DRB for the OAE and respondent failed to appear.

Robert A. Felmeister – Suspended for eighteen months effective March 15, 2005 (*186 N.J. 1*) as a result of a guilty plea to a one-count Information filed in the United States District Court for the District of New Jersey, charging misprision of felony, a violation of 18 U.S.C.A. § 4. Respondent represented the purchasers of a business and assisted their scheme to defraud the Small Business Administration and the lender by preparing and submitting a false HUD-1 form, falsely stating that his clients had made the required \$700,000 capital contribution, when he knew this was not true. Richard J. Engelhardt appeared before the DRB for the OAE and respondent waived appearance. The respondent was previously disciplined: Temporarily suspended on March 14, 2005.

Thomas J. Forkin – Disbarred on February 21, 2006 (*186 N.J. 70*) for the knowing misappropriation of over \$7,000 which he held in escrow and which he was to distribute to his client's former wife pursuant to the terms of a Final Judgment of Divorce. Lee A. Gronikowski appeared before the Supreme Court for the OAE and David Dugan, III appeared for the respondent. The respondent was previously disciplined: Suspended for one year in 2001 and suspended for three months in 2001.

Harry E. Franks, Jr. – Censured on October 17, 2006 on a certified record (*188 N.J. 386*) for misrepresenting to his clients that he had filed a lawsuit on their behalf when, in fact, he had not, failing to act with diligence and failing to cooperate with disciplinary authorities in the investigation and processing of this matter. Ingrid Lynn French appeared before the DRB for District I and respondent failed to appear. The respondent was previously disciplined: Admonished in 2001.

James J. Gallo – Suspended for six months effective April 21, 2006 on a certified record (*186 N.J. 247*) for failing to represent a workers compensation client diligently, failing to communicate with a client, failing to return the client's file when terminated and failing to cooperate with disciplinary authorities during the investigation and processing of this matter. Lawrence E. Sindoni represented District VI before the DRB and respondent appeared pro se. The respondent was previously disciplined: Suspended for three months in 1990.

James J. Gallo – Disbarred on October 31, 2006 on a certified record (*188 N.J. 478*) for grossly neglecting an appeal, a divorce matter and a case involving the reduction of child support payments and failing to cooperate with disciplinary authorities during the investigation and processing of these matters. Nitza I. Blasini represented the OAE before the Supreme Court and respondent failed to appear. The respondent was previously disciplined: Suspended for three months in 1990 and suspended for six months in 2006.

Rick A. Garcia – Disbarred by consent on November 29, 2006 (*188 N.J. 54*) as a result of respondent's admission that he could not successfully defend pending charges alleging the knowing misappropriation of escrow and client trust funds. Nitza I. Blasini represented the OAE and Robert S. Damiano represented the respondent. The respondent was previously disciplined: Temporarily suspended in 2005.

Cathy R. Garrett-Davis – Disbarred on a certified record on September 26, 2006 (*188 N.J. 280*) for knowingly misappropriating over \$4,700 in client trust funds over a period of months to pay personal bills. 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 2006. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Thomas A. Giamanco – Suspended for three months on November 17, 2006 on a certified record (*188 N.J. 494*) for negligently misappropriating clients' trust funds as a result of failing to maintain proper trust account records and failing to prepare routine reconciliations of that account. Janice L. Richter appeared before the DRB for the OAE and respondent failed to appear. The respondent was previously disciplined: Reprimanded in 1999 and censured in 2005.

Robert A. Giegerich – Disbarred by consent on June 6, 2006 (*187 N.J. 063*) for the knowing misappropriation of some \$85,000 in client trust funds. Walton W. Kingsbery III represented the OAE and Joseph W. Spagnoli represented the respondent. The respondent was previously disciplined: Temporarily suspended in 2005.

Vijay M. Gokhale – Suspended for one year effective September 18, 2003 (*186 N.J. 459*) for violations including failure to file state and federal income tax returns for the years 1999-2001. Additionally, in connection with a real estate matter, the respondent engaged in gross neglect, failure to promptly pay funds to third parties, trust account recordkeeping violations, failure to withdraw from representation and failure to cooperate with disciplinary authorities during the investigation and processing of this matter. John McGill, III appeared before the DRB for the OAE and respondent appeared pro se. The respondent was previously disciplined: Reprimanded in 2001 and temporarily suspended in 2003.

Howard A. Gross – Suspended three-month suspension on March 7, 2006 (*186 N.J. 157*) for paying a runner who solicited over 50 personal injury cases between 1998 to 2000. Nitza I. Blasini appeared before the Supreme Court and Joel B. Korin represented the respondent. The respondent was previously disciplined: Suspended for three months in 2004.

Joseph P. Guarrasi – Disbarred by consent on February 15, 2006 (*186 N.J. 68*) as a result of a guilty plea in the Court of Common Pleas of Bucks County, Pennsylvania, to charges of criminal attempt to commit criminal homicide, in violation of 18 Pa. C.S. §901(a) and 18 Pa. C.S. §2502(a)(1), criminal attempt to commit aggravated assault, in violation of 18 Pa. C.S. §2702(a)(1), kidnapping, in violation of 18 Pa. C.S. §2901(a)(1), (a)(3), unlawful restraint, in violation of 18 Pa. C.S. §2902(a)(1), (a)(2), false imprisonment, in violation of 18 Pa. C.S. §2903(a), and burglary, in violation of 18 Pa. C.S. §3502(a). Richard J. Engelhardt represented the OAE and John Rogers Carroll (admitted in Pennsylvania) represented the respondent.

William A. Hansen – Disbarred by consent on May 17, 2006 (*186 N.J. 509*) for knowing misappropriation of clients' trust funds. Michael J. Sweeney represented the OAE and Michael P. Ambrosio represented the respondent. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Sonia D. Harris – Disbarred on February 15, 2006 (*186 N.J. 44*) as a result of her criminal convictions in the Superior Court of New Jersey for first-degree conspiracy to commit financial facilitation (money laundering), in violation of N.J.S.A. 2C:5-2 and N.J.S.A. 2C:21-25(c); first-degree money laundering, in violation of N.J.S.A. 2C:21-25(b)(1) and N.J.S.A. 2C:20-6; second-degree conspiracy to commit theft by deception, in violation of N.J.S.A. 2C:20-4 and N.J.S.A. 2C:5-2; second-degree theft by deception, in violation of N.J.S.A. 2C:20-4 and N.J.S.A. 2C:2-6; and second-degree misapplication of entrusted property, in violation of N.J.S.A. 2C:21-15 and N.J.S.A. 2C:2-6. The respondent's convictions stemmed from her involvement in real estate closings in which she represented a real estate developer who engaged in the practice of

“flipping” properties. Richard J. Engelhardt appeared before the Supreme Court for the OAE and respondent did not appear.

Bruce C. Hasbrouck – Suspended for three months effective March 20, 2006 (*186 N.J. 72*) for an attorney who, while representing the husband in a matrimonial matter, deliberately breached the provisions of a Final Judgment of Divorce when he released the amount of \$600,000, the most significant assets subject to equitable distribution, to his client and failed to advise the court that he had done so. Nitza I. Blasini appeared before the DRB for the OAE and Angelo Falciani represented the respondent.

Alwin M. Haywood – Disbarred by consent on September 13, 2006 (*188 N.J. 256*) for engaging in the knowing misappropriation of clients’ trust funds. Janice L. Richter represented the OAE and W. Richard Veitch represented the respondent. The respondent was previously disciplined: Temporarily suspended in 2002.

James P. Henry – Suspended for 3 months effective January 19, 2006 (*187 N.J. 252*) for engaging in the practice of law while already suspended and without first applying to the Disciplinary Review Board for reinstatement and being reinstated by order of the Supreme Court. The respondent also failed to file the affidavit of compliance required of all suspended attorneys and failed to cooperate with disciplinary authorities. Janice L. Richter appeared before the DRB for the OAE and John Dell’Italia appeared for the respondent. The respondent was previously disciplined: Suspended for three months effective March 22, 2004.

Ian J. Hirsch – Censured on September 6, 2006 (*188 N.J. 255*) for failing to abide by a court order requiring him, as trustee, to make timely alimony payments to his client’s ex-wife, during which period the respondent made improper payments to the husband, his client.

Barry W. Horowitz – Suspended for one year on a certified record on May 23, 2006 (*186 N.J. 584*) for grossly neglecting a client’s personal injury matter and failing to advise the client that the case was dismissed. Craig M. Terkowitz appeared before the DRB for District VIII and respondent failed to appear. The respondent was previously disciplined: Suspended for three months in 2004.

Barry W. Horowitz – Disbarred on September 25, 2006 on a certified record (*188 N.J. 283*) as a result of respondent’s disbarment in the State of New York for misconduct involving gross neglect, failure to communicate and failure to cooperate with disciplinary authorities and a separate New Jersey complaint arising out of the respondent’s failure to comply with *R.1:20-20* requiring the notification of clients, courts and adversaries in connection with an earlier New Jersey suspension. Richard J. Engelhardt appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Suspended for three months in 2004 and suspended for one year in 2006.

Peter H. Jacoby – Censured on October 16, 2006 (*188 N.J. 384*) as a result of a guilty plea in the Superior Court of New Jersey, Law Division, to simple assault (N.J.S.A. 2C:12-1(a)) arising out of an altercation between respondent and his wife at their home in Somerset County, which resulted in the dislocation of her shoulder. Richard J. Engelhardt appeared before the Supreme Court for the OAE and Alan Zegass appeared for the respondent.

Fernando J. Jimenez – Suspended for eighteen months effective September 7, 2004 (*187 N.J. 86*) as a result of respondent’s conviction in the United States District Court for the District of New Jersey for conspiracy to commit mail fraud (18 U.S.C.A. § 371) and mail fraud (18 U.S.C.A. §1341) based upon his participation in a falsification scheme to submit fraudulent documents to a bank concerning the financial status of prospective borrowers with the intention of causing the banks to extend loans to homebuyers who would otherwise not qualify for the loans. Richard J. Engelhardt appeared before the DRB for the OAE. David Fassett appeared for the respondent. The respondent was previously disciplined: Temporarily suspended in 2004.

Mark E. Johnston – Suspended for three years effective May 13, 2005 (*188 N.J. 387*) as a result of criminal convictions or pleas entered in the Commonwealth of Pennsylvania to one count of knowing or intentional possession of a controlled substance, three separate driving under the influence offenses over a three-year period from 1997-2000, filing false alarms to public agencies in 1997, driving under a suspended operator’s license in 1999 and 2000, defiant trespass in 1997, disorderly conduct in 1997 and 2002, and harassment in 2002. Richard J. Engelhardt appeared before the DRB for the OAE and respondent failed to appear.

Edwin R. Jonas, III – Suspended for six months effective September 2, 2005 (*185 N.J. 599*) for continuously and flagrantly violating several orders entered in his own personal matrimonial matter, including removing his children to the Cayman Islands in violation of court order, and for placing a \$130,000 mortgage on his home and depositing those funds in a bank account in the Cayman Islands, also in violation of court order. John McGill III appeared before the DRB for the OAE and Walter J. Ray represented the respondent.

Demetrios J. Katsios – Suspended for two years effective January 30, 2006 (*185 N.J. 424*) for improperly releasing escrow funds in a real estate transaction to the seller, his uncle, in violation of the escrow agreement and for dishonest conduct in submitting altered bank statements and false reconciliations to the OAE during the course of its investigation. Nitza I. Blasini appeared before the Supreme Court for the OAE and Ralph E. Faasse represented the respondent.

April L. Katz – Admonished on October 5, 2006 (*Unreported*) for improperly soliciting and receiving a \$1,500 loan from a client while respondent was representing the client in a matrimonial matter. The respondent received the loan without first advising the client of the desirability of seeking counsel, giving him a reasonable opportunity to seek the advice of counsel and obtaining his consent in writing, in violation of *RPC 1.8(a)*. Anna P. Navatta appeared before the DRB for District IIA and Roger A. Serruto represented the respondent.

Steven T. Kearns – Suspended for three months on January 24, 2006 (*185 N.J. 603*) for possession of heroin. The respondent had been the subject of a criminal complaint in Bergen County and was admitted to Pre-Trial Intervention. Thomas D. Carver, Jr. appeared before the DRB for the OAE and respondent waived appearance. The respondent was previously disciplined: Temporarily suspended in 2003.

Steven T. Kearns – Suspended for six months on a certified record on July 6, 2006 (*187 N.J. 250*) for grossly neglecting a real estate matter after being paid a retainer by failing to perform any legal services, failing to keep the client informed of the status of the matter, failing to comply with a district fee arbitration award by returning the balance of the unearned retainer and by failing to cooperate with the district ethics committee during the investigation and processing of this matter. James X. Sattely appeared before the DRB for District IIB and respondent failed to appear. The respondent was previously disciplined: Temporarily suspended in 2003; reprimanded in 2004; suspended for three months in 2006.

Russell T. Kivler - Reprimanded on a certified record on December 5, 2006 (*188 N.J. 586*) for failing to return a divorce client's \$1,750 retainer when his services were terminated five days after representation began. Respondent also failed to cooperate with disciplinary authorities during the investigation and processing of this matter. Edith S. Brower appeared before the DRB for District VII and respondent failed to appear. The respondent was previously disciplined: Reprimanded in 2005 and temporarily suspended in 2006.

Richard E. Kress – Suspended for six months effective April 10, 2006 (*186 N.J. 159*) for engaging in ethical misconduct in three matters including gross neglect, lack of communication, failure to have a written fee agreement, misrepresentation to a client and fraudulent conduct in arranging to pay respondent's legal fee by using the client's American Express card to charge a cruise for himself and his daughter, knowing that the client was unable to pay the credit card bill. Mark Watson represented District XII before the DRB and respondent appeared pro se. The respondent was previously disciplined: Suspended for three months in 1992, reprimanded in 1996 and suspended for one year in 2003.

Stephen D. Landfield – Suspended for three months on January 24, 2006 on a certified record (*185 N.J. 605*) for failing to promptly notify and deliver property to a third person, misrepresentation and failure to cooperate with disciplinary authorities. J. Michael Riordan appeared before the DRB for District X and respondent failed to appear. The respondent was previously disciplined: Admonished in 2003 and temporarily suspended in 2004.

Stephen D. Landfield – Suspended for six months on January 24, 2006 on a certified record (*185 N.J. 609*) for gross neglect bordering on abandonment in three client matters, failing to communicate with clients and failing to cooperate with disciplinary authorities. Connie A. Matteo appeared before the DRB for District X and respondent failed to appear. The respondent was previously disciplined: Admonished in 2003 and temporarily suspended in 2004.

Stephen D. Landfield – Suspended for six months on January 24, 2006 on a certified record (*185 N.J. 607*) for, in two client matters, engaging in gross neglect, lack of diligence, failure to communicate with his client and failing to set forth in

writing the basis or rate of the fee. J. Michael Riordan appeared before the DRB for District X and respondent failed to appear. The respondent was previously disciplined: Admonished in 2003 and temporarily suspended in 2004.

Stephen D. Landfield – Suspended for three months on March 28, 2006 (*186 N.J. 269*) for accepting a \$500 retainer to complete an adoption and then grossly neglecting the matter and failing to communicate with the client. J. Michael Riordan appeared before the DRB for District X and respondent appeared pro se. The respondent was previously disciplined: Admonished in 2003; temporarily suspended in 2004; suspended for three months in 2006; suspended for six months on two separate occasions in 2006.

Salvatore LaRussa, Jr. – Reprimanded on September 6, 2006 (*188 N.J. 253*) for improperly allowing a wife to sign a husband's name to a release in a personal injury action and then affixing his jurat to the document. Efrain Nieves appeared before the DRB for District IV and Carl D. Poplar appeared for the respondent.

Eugene M. LaVergne – Reprimanded on February 21, 2006 (*186 N.J. 74*) for failing to turn over a file to his client after his legal representation was terminated and for improperly cashing checks for legal services, instead of depositing them to his business account as required by court rules. David Epstein appeared before the DRB for District IX and respondent appeared pro se. The respondent was previously disciplined: Suspended for six months and also reprimanded in 2001.

Robert W. Laveson – Reprimanded on September 6, 2006 (*188 N.J. 251*) for engaging in an incurable conflict of interest whereby he drafted 12 contracts of sale for purchasers of real estate, which contracts stipulated that the buyers would purchase title insurance from a title company by which he was employed. The respondent also engaged in the practice of law after he had been declared ineligible to practice by the Supreme Court by reason of non-payment of the annual attorney registration fee. Walton W. Kingsbery III appeared before the DRB for the OAE and Carl D. Poplar appeared for the respondent.

Wilfrid LeBlanc, Jr. – Censured on October 31, 2006 (*188 N.J. 480*) for engaging in multiple instances of unethical conduct in three separate client matters, including gross neglect, failing to communicate, charging a non-refundable retainer in a family law matter, failing to promptly remit funds to a third party and failing to cooperate with disciplinary authorities during the investigation of this matter. Christina Blunda Kennedy appeared before the Supreme Court for the OAE and respondent appeared pro se.

Chak Y. Lee – Disbarred on September 26, 2006 (*188 N.J. 279*) as a result of his disbarment in the State of New York resulting from a guilty plea to one count of second degree grand larceny, in violation of Penal Law §155.40. There, respondent admitted that in 2004 he knowingly misappropriated more than \$50,000 from a client. Richard J. Engelhardt appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Temporarily suspended in 2005.

Jay M. London – Suspended for three months on April 26, 2006 on a certified record (*186 N.J. 412*) for misrepresenting to clients in two separate matters that he had filed lawsuits against the proper parties when he had not. The respondent also fabricated a letter from another attorney, purportedly to show that he was doing work on the cases. Elizabeth Coleman Chierici appeared before the DRB for District IIIB and respondent failed to appear.

Joseph J. Lowenstein - Admonished on February 23, 2006 (*Unreported*) for engaging in gross neglect, pattern of neglect, lack of diligence and failure to communicate with clients in three separate matters. John D. Pogorelec, Jr. appeared before the DRB for District XI and Miles R. Feinstein represented the respondent.

Jeffrey W. Lutz – Reprimanded on October 3, 2006 on a certified record (*188 N.J. 336*) for grossly neglecting a workers compensation matter, failing to communicate with the client and then misrepresenting to the client that the case was proceeding when, in fact, it had been dismissed. Jonathan S. Fabricant appeared before the DRB for District IIIA and respondent failed to appear.

Gerald M. Lynch – Censured on March 20, 2006 (*186 N.J. 246*) for practicing law while ineligible. Lee A. Gronikowski appeared before the Supreme Court for the OAE and Deborah D. Factor appeared for respondent. The respondent was previously disciplined: Admonished in 1999.

Samuel A. Malat – Admonished on March 17, 2006 (*Unreported*) as a result of being assessed Rule 11 sanctions by a federal court judge for filing a frivolous claim in a matter when the attorney had already been sanctioned in a similar case for the same reason. Steven M. Janove appeared before the DRB for District IV and respondent appeared pro se. Respondent was previously disciplined: Reprimanded in 2002 and two separate three-month suspensions in 2003.

Samuel A. Malat – Suspended for one year on a certified record on June 21, 2006 (*187 N.J. 116*) involving charges in four client matters, including gross neglect, failure to keep a client reasonably informed, failure to communicate the basis or rate of the fee to a client and misrepresentation of the status of the clients' lawsuits to them, in addition to failing to cooperate with disciplinary authorities. Walton W. Kingsbery III appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Reprimanded in 2002, suspended for three months on two separate occasions in 2003 and admonished in 2006.

Bernard J. McBride, Jr. – Reprimanded on October 17, 2006 (*188 N.J. 389*) for misconduct in five separate client matters, including gross neglect, failure to keep clients reasonably informed, failure to safeguard clients' and third parties' funds and failure to cooperate with disciplinary authorities, given evidence of significant medical and personal mitigating circumstances. Michael J. Sweeney appeared before the DRB for the OAE and Teri S. Lodge appeared for respondent. The respondent was previously disciplined: Reprimanded in 2004 and transferred to disability-inactive status in 2005.

Nicholas W. McClear – Disbarred on May 2, 2006 on a certified record (*186 N.J. 462*) for knowingly misappropriating over \$44,000 in clients' trust funds. Nitza I. Blasini argued the cause before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Temporarily suspended in 2003.

G. Jeffrey Moeller – Reprimanded on October 3, 2006 (*188 N.J. 338*) for improperly withdrawing from a litigated matter without taking reasonable steps to protect the client's interest. Walton W. Kingsbery III appeared before the DRB for the OAE and Michael S. Weinstein appeared for the respondent. The respondent was previously disciplined: Suspended for one year in 2003.

Francis R. Monahan, Jr. – Disbarred on February 14, 2006 (*186 N.J. 69*) as a result of his guilty plea to third-degree theft by deception, in violation of N.J.S.A. 2C:20-4 and third-degree theft, in violation of N.J.S.A. 2C:20-3. The respondent's plea arose out of a scheme to defraud one of his elderly, vulnerable clients by conspiring with others to facilitate the sale of the client's house, after which the respondent withdrew a series of checks totaling more than \$235,000 from his trust account and using it for his own purposes. Additionally, respondent also pleaded guilty to theft of approximately \$36,000 by the unauthorized use of a credit card. Richard J. Engelhardt appeared before the Supreme Court for the OAE and respondent did not appear. The respondent was previously disciplined: Admonished in 2003 and temporarily suspended in 2004.

Philip J. Moran – Suspended for one year on November 6, 2006 (*188 N.J. 483*) as a result of misconduct in 11 matters that was serious and widespread, primarily involving gross neglect, lack of communication and failure to properly withdraw from representation when physically or mentally impaired. During the period of misconduct, respondent was diagnosed with severe depression, from which he has now largely recovered. Respondent was placed on disability inactive status by order of the Court from September 8, 2003 through February 25, 2004, for which he was given credit, leaving a remaining actual suspension of seven months. David W. Trombadore appeared before the DRB for District XIII and Bernard Campbell appeared for respondent. The respondent was previously disciplined: Admonished in 2002.

Joel A. Mott, III – Reprimanded on April 11, 2006 (*186 N.J. 367*) for engaging in a conflict of interest by representing client-purchasers who obtained title insurance from the respondent's title insurance company. Walton W. Kingsbery, III appeared before the DRB for the OAE and Joseph H. Kenney represented the respondent.

Vincent J. Murphy, Jr. – Reprimanded on December 5, 2006 (*188 N.J. 584*) for using his brother's driver's license to misidentify himself in order to avoid prosecution when stopped by police on two separate occasions for driving while under the influence of alcohol. Respondent also failed to cooperate with the OAE during the investigation of this matter. John J. Janasie appeared before the DRB for the OAE and respondent waived appearance.

Victor M. Musto – Disbarred on March 7, 2006 on a certified record (*186 N.J. 154*) for knowingly misappropriating clients' trust funds in three separate matters. Walton W. Kingsbery III appeared before the Supreme Court for the OAE and

respondent failed to appear. The respondent was previously disciplined: Suspended for three years in 1995 and temporarily suspended in 2004.

William L. Nash, II – Disbarred on May 23, 2006 (*187 N.J. 001*) for knowingly misappropriating client and third party escrow funds in three separate client matters, engaging in dishonesty and misrepresentation and, in one case, fabricating and altering certain documents submitted to the Office of Attorney Ethics and failing to maintain proper trust and business account records as required by court rules. Lee A. Gronikowski appeared before the Supreme Court for the OAE and respondent failed to appear. This matter was discovered solely as a result of the Random Audit Compliance Program. The respondent was previously disciplined: Temporarily suspended in 2003.

Harry B. Noretsky – Disbarred by consent on June 20, 2006 (*187 N.J. 115*) for knowingly misappropriating client trust funds in an amount exceeding \$100,000. Walton W. Kingsbery III represented the OAE and Kim D. Ringler represented the respondent.

Edward G. O’Byrne – Admonished on October 27, 2006 (*Unreported*) for failing to communicate important information regarding a litigated matter to his clients, which resulted in the other party filing a motion to hold respondent’s clients in contempt. Patrick J. Caserta appeared before the DRB for District XI and Richard F. Regan appeared for the respondent.

Patrick N. Perone – Admonished on September 6, 2006 (*Unreported*) for representing a client in a consumer fraud action and then failing to act diligently, failing to keep the client reasonably informed about the matter, and then misrepresenting to the client that he would find an expert witness when he did not. Sheryl M. Schwartz appeared before the DRB for District XIII and respondent appeared pro se.

Lucio A. Petrocelli – Disbarred on March 14, 2006 (*186 N.J. 223*) for grossly neglecting two matters, engaging in criminal conduct in five matters, acting dishonestly and making misrepresentations in six matters, practicing law while suspended in two matters, lying in an affidavit to ethics authorities, failing to comply with the notice and affidavit provisions of *R. 1:20-20* regarding suspended attorneys and failing to cooperate with the Office of Attorney Ethics in the investigation of this matter. Janice L. Richter represented the OAE before the Supreme Court and respondent appeared pro se. The respondent was previously disciplined: Temporarily suspended in 2003. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Jeffrey R. Pocaro – Censured on July 17, 2006 (*187 N.J. 411*) for grossly neglecting a client’s civil rights action, failing to act diligently, failing to communicate with the client and failing to expedite litigation. Judith A. Babinski appeared before the DRB for District XIII and respondent appeared pro se. The respondent was previously disciplined: Suspended for one year in 1995.

Fernando J. Regojo – Censured on February 7, 2006 (*186 N.J. 65*) for grossly neglecting a litigated matter by failing to obtain discovery, failing to ensure that his expert submitted a timely report, failing to submit answers to interrogatories, failing to appear at the trial call and failing to reply to the court’s efforts to contact him. Salvatore Giampiccolo appeared before the DRB for District IIB and Joseph Castiglia appeared for the respondent. The respondent was previously disciplined: Reprimanded in 2001; reprimanded in 2004 and reprimanded in 2005.

James C. Richardson - Admonished on February 23, 2006 (*Unreported*) for failing to act diligently in concluding an estate for more than two years after probate and for failing to reply to a number of the beneficiaries’ request for information about the estate during this period. Mary R. Mott appeared before the DRB for District XIII and respondent appeared pro se.

James O. Roberson, Jr. – Suspended for six months on May 23, 2006 (*187 N.J. 002*) for grossly neglecting a real estate transaction and improperly taking the jurat on a mortgage. Additionally, the respondent essentially abandoned his clients by sending only the mortgage banker, who had a conflict of interest, to complete the transaction. Salvatore Giampiccolo appeared before the DRB for District IIB and Emil Cuccio appeared for the respondent. The respondent was previously disciplined: Temporarily suspended in 2002.

Nusshy I. Saraya – Disbarred on May 9, 2006 (*186 N.J. 470*) as a result of respondent's conviction in the Superior Court of New Jersey of third degree theft by deception (N.J.S.A. 2C:20-4) and one count of third degree forgery (N.J.S.A. 2C:21-1a(2)). Richard J. Engelhardt appeared before the Supreme Court for the OAE and respondent failed to appear.

Michael C. Scoon – Disbarred by consent on January 27, 2006 (*185 N.J. 610*) for settling two client cases totalling \$40,000 without the client's knowledge, forging the client's endorsements, depositing the checks into his trust account and disbursing most of the money to himself. Walton W. Kingsbery III represented the OAE and Alan L. Zegas represented the respondent. The respondent was previously disciplined: Temporarily suspended in 2004 and suspended for three months in 2005.

Neal Sharma – Censured on April 28, 2006 on a certified record (*186 N.J. 411*) for grossly neglecting a personal injury matter, thus allowing the statute of limitations to expire and making misrepresentations to the client that he had filed the complaint when he had not. David P. Schroth appeared before the DRB for District VII and the respondent failed to appear.

Neal Sharma – Reprimanded on April 28, 2006 on a certified record (*Unreported*) for failing to cooperate with disciplinary authorities during the investigation and processing of a grievance. Rachel J. Lehr appeared before the DRB for District VII and the respondent failed to appear. The respondent was previously disciplined: Censured in 2006.

Anthony J. Simmons – Suspended for 3 years effective March 21, 2003 (*186 N.J. 466*) for his reckless handling of clients' trust funds and his gross neglect, lack of diligence and failure to promptly turn over client property in one matter. Walton W. Kingsbery III appeared before the Supreme Court for the OAE and Michael P. Ambrosio represented the respondent. The respondent was previously disciplined: Temporarily suspended in 2003 and admonished in 2005.

Phillip J. Simms – Censured on January 24, 2006 (*185 N.J. 602*) for negligently misappropriating over \$5,000 in clients' funds. Michael J. Sweeney appeared before the DRB for the OAE and respondent appeared pro se. This case was discovered solely as a result of the Random Audit Program. The respondent was previously disciplined: Reprimanded in 2001.

Stephen H. Skoller – Suspended for two years on March 21, 2006 (*186 N.J. 261*) for submitting an affidavit of title based upon false information and misrepresenting to his adversary before and during the real estate closing that a judgment was either a mistake or had been vacated, when it had not. Frederick E. Gerson appeared before the DRB for District VB and respondent waived appearance.

Jaffa F. Stein – Disbarred by consent on August 31, 2006 (*188 N.J. 245*) for knowingly misappropriating over \$36,000 in clients' trust funds. Michael J. Sweeney represented the OAE and Mark S. Kancher represented the respondent. The respondent was previously disciplined: Temporary license restriction in 2005 and temporary suspension in 2006. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Margaret S. Sullivan – Admonished on July 26, 2006 (*Unreported*) for failing to act diligently and to communicate with beneficiaries of an estate in which respondent was the executrix. Jeffrey A. Lester appeared before the DRB for District IIA and respondent appeared pro se.

Herbert J. Tan – Reprimanded on October 17, 2006 (*188 N.J. 389*) for falsely representing to the New Jersey Board of Bar Examiners that he had earned his bachelor's degree at New York University when, in fact, he did not receive a degree because he failed to successfully complete one course. Nitza I. Blasini appeared before the DRB for the OAE and Alan Zegas appeared for the respondent.

Richard R. Thomas, II – Disbarred on a certified record on November 28, 2006 (*188 N.J. 580*) for knowingly misappropriating \$10,000 from two real estate transactions and, in another matter, failing to properly represent a client, communicate with her and have a written agreement concerning the basis of the legal fee. Walton W. Kingsbery III appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Admonished in 2001; suspended for one year in 2004; suspended for three years in 2005.

Irving Tobin – Censured on February 7, 2006 (*186 N.J. 67*) for drafting a client’s will and unethically leaving the entire residuary estate to the respondent, in violation of *RPC 1.8(c)*. Thomas D. Carver, Jr. appeared before the DRB for the OAE and Stephen Ritz appeared for respondent. The respondent was previously disciplined: Reprimanded in 2001.

David H. Van Dam – Reprimanded on June 9, 2006 (*187 N.J. 067*) for drafting a will for his client in which the attorney named himself as a contingent beneficiary under the will, in violation of *RPC 1.8(c)*. Thomas M. Kaczka appeared before the DRB for District XI and respondent waived appearance. The respondent was previously disciplined: Suspended for three years in 1995.

Leo R. Vartan – Disbarred by consent on November 8, 2006 (*188 N.J. 482*) for knowingly misappropriating approximately \$25,000 in clients’ funds. Nitza I. Blasini represented the OAE and Lawrence S. Lustberg represented the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

Henry A. Walsh, Jr. – Reprimanded on a certified record on September 19, 2006 (*188 N.J. 276*) for failing to act with diligence and failing to communicate with a client he represented in a disputed insurance claim. The respondent also failed to cooperate with disciplinary authorities during the investigation and processing of this matter. Joseph D. Grisanti appeared before the DRB for District IIIA and respondent failed to appear.

Gordon Allen Washington – Admonished on January 26, 2006 (*Unreported*) for failure to promptly deliver escrow funds to a third party who was entitled to receive them and failing to act with diligence in a real estate matter. Nitza I. Blasini appeared before the DRB for the OAE and Donald Miller represented the respondent.

A. Kenneth Weiner – Suspended for two years on May 9, 2006 on a certified record (*186 N.J. 468*) for unethical conduct in two client matters involving gross neglect, lack of diligence, failing to keep the client reasonably informed, charging an unreasonable fee, failing to turn over the client’s file on withdrawal, misrepresentation to the client and failure to cooperate with disciplinary authorities. Allan Marain appeared before the DRB for District VIII and respondent failed to appear. The respondent was previously disciplined: Privately reprimanded in 1988; reprimanded in 1995; temporarily suspended in 2004; and suspended for six months in 2005.

A. Kenneth Weiner – Disbarred on October 10, 2006 on a certified record (*188 N.J. 341*) as a result of extensive misconduct involving the gross neglect and then abandonment of 20 clients after having dishonestly taken monies as retainers and failing to do almost any work on the cases. Melissa A. Czartoryski appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Privately reprimanded in 1988; reprimanded in 1995; temporarily suspended in 2004; suspended for six months in 2005 and suspended for two years in 2006.

Avis Cole Williams – Reprimanded on a certified record on June 21, 2006 (*187 N.J. 119*) for grossly neglecting a client matter by failing to file an answer to a civil complaint, resulting in the entry of a default judgment. The respondent also failed to take steps to vacate the judgment. Respondent also failed to properly communicate with the client, improperly withdrew from representation and failed to cooperate with disciplinary authorities during the investigation and processing of this matter. Michael J. Fitzgerald appeared before the DRB for District I and respondent failed to appear. The respondent was previously disciplined: Temporarily suspended in 2005.

Scott L. Williams – Reprimanded on a certified record on September 6, 2006 (*188 N.J. 254*) for accepting a fee from a client to handle two civil matters and then grossly neglecting the matters, failing to explain the matters to the client, improperly terminating the representation and failing to cooperate with disciplinary authorities during the investigation and processing of this matter. Christine P. O’Hearn represented District IV and respondent failed to appear.

Thomas D. Williamson – Reprimanded on March 14, 2006 (*186 N.J. 157*) for engaging in conduct prejudicial to the administration of justice by threatening to seek enhanced damages in a civil proceeding in order to persuade potential expert witnesses to recant a report in which they had concluded that respondent’s client had assaulted a severely disabled child. Janice L. Richter appeared before the DRB for the OAE and respondent appeared pro se.

Maury R. Winkler – Reprimanded on March 21, 2006 (*186 N.J. 263*) for negligently misappropriating client trust funds as a result of his abysmal recordkeeping practices. Michael J. Sweeney appeared before the DRB for the OAE and Bernard K. Freamon appeared for the respondent. The respondent was previously disciplined: Reprimanded in 2003.

Barbara J. Wyskowski – Suspended for 3 months on a certified record, effective on the termination of respondent’s temporary suspension, (186 N.J. 471) for failing to cooperate with disciplinary authorities during the investigation and processing of a grievance and for failing to comply with the requirements of R.1:20-20 after her temporary suspension from practice. John McGill III represented the OAE before the DRB and respondent failed to appear.

William T. Yadlon – Admonished on September 19, 2006 (*Unreported*) for negligently misappropriating client trust funds from his trust account due to respondent’s failure to perform quarterly reconciliations of his accounts. The respondent also had numerous recordkeeping violations, contrary to R.1:21-6. Melissa A. Czartoryski appeared before the DRB for the OAE and Anthony P. Ambrosio appeared for the respondent.

Eric Yim a/k/a Eric Chong Yim – Disbarred on September 11, 2006 (188 N.J. 257) as a result of a reciprocal disciplinary action taken in Virginia revoking respondent’s license to practice law based upon his guilty plea in the United States District Court for the District of Virginia to a charge of collection of extensions of credit by extortionate means, a violation of 18 U.S.C.A. §894(a)(1) and (2). Specifically, respondent discussed with an individual whether or not he could arrange for a debtor to be either seriously injured or killed in an apparent accident. Richard J. Engelhardt appeared before the Supreme Court for the OAE and David H. Dugan, III appeared for the respondent. The respondent was previously disciplined: Temporarily suspended in 2006.

DISCIPLINARY 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)

ANNUAL HIGHLIGHTS

The disciplinary system cleared its investigative calendar in 2006 for the first time in two years, as the number of dispositions (1,533) exceeded the number of new investigations filed (1,429). For the first time in three years, the hearing calendar was also cleared this year, with dispositions (262) also exceeding the number of new complaints and other charging documents filed (241). Calendar clearance (**Figure 8**) was the result of hard work by both the district ethics committees and the Office of Attorney Ethics (OAE) and the fact that the number of investigative filings was down slightly by -3.1% this year (1,429), compared to 2005 (1,474). The number of formal complaints (and other charging documents), on the other hand, increased by 6.6%, from 226 in 2005 to 241 this year.

Caseload Clearance Trends

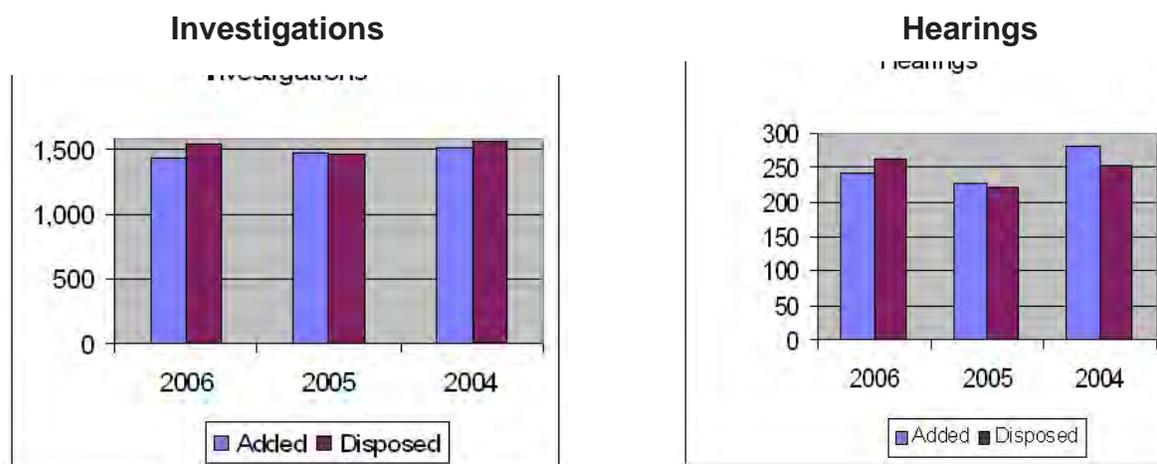


Figure 8

Despite overall improved disposition of investigations and hearings, the percentage of cases in compliance with Supreme Court time goals dropped slightly. With regard to investigations, the Supreme Court (Court) set as a goal that standard cases should be completed within six months and complex matters should be completed within nine months. The overall statewide compliance goal for investigations at the end of the year dropped from 68% last year to 67% in 2006. The OAE, which had brought up its in-goal percentage to 74% during September, October and November, slipped to 65% at the end of December. This end of year figure is still a significant improvement over the 49% compliance figure from the end of 2004. The district ethics committees ended 2006 at 63% compliance, a slight reduction from 65% in-goal percentage at the end of 2005. As of December 31, 2006, the average age of pending investigations across the state decreased from 246 days (8.2 months) last year to 239 days (8.0 months) this year. The OAE's investigative average decreased from 326 days (10.9 months) to 288 days (9.6 months). District ethics committees average age increased from 184 days (6.1 months) to 203 days (6.7 months).

SYSTEM OVERVIEW

The attorney disciplinary system consists of three levels: Office of Attorney Ethics and District Ethics Committees (**Figure 10**); Disciplinary Review Board; and Supreme Court of New Jersey.

The first level consists of 17 regionalized District Ethics Committees (Ethics Committees), supervised and managed by the Office of Attorney Ethics (OAE) (**Figure 9**). Ethics Committees generally are established along single or multiple county lines.

District Committees

Districts	Counties
I	Atlantic/Cumberland/Cape May/Salem
IIA	North Bergen
IIIB	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

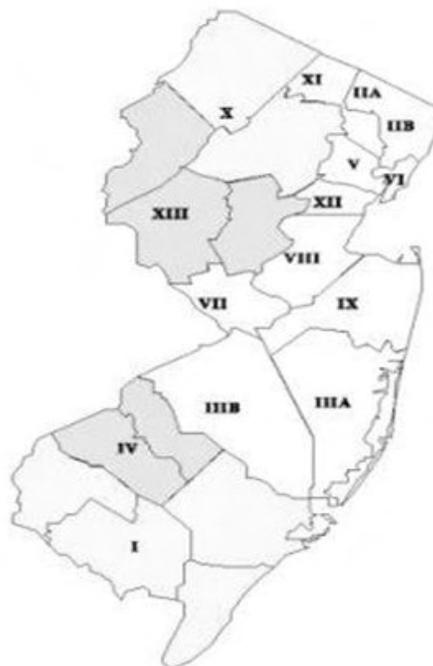


Figure 9

The Ethics Committees consist of attorney and public members who serve *pro bono* to investigate, prosecute and decide disciplinary matters. Each Ethics 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 an Ethics Committee. Public members serve together with two attorneys on three-member hearing panels that function to decide cases where formal complaints have been filed after investigations. The OAE is responsible for overseeing the operations of all Ethics Committees. The OAE also investigates and prosecutes serious, complex and emergent matters statewide as discussed more fully in the “Office of Attorney Ethics” section of this chapter.

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 Supreme 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 Supreme Court of New Jersey (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.

NEW JERSEY DISCIPLINARY SYSTEM



Figure 10

The OAE maintains a comprehensive website to facilitate understanding of the disciplinary system and to provide information to the public and the bar, (Figure 11). It is located at the Judiciary's homepage at www.njcourtsonline.com. [Under "Attorney Regulation" at the left, select "Office of Attorney Ethics."] The 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. It 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 2006, the main telephone line for the OAE in West Trenton received about 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

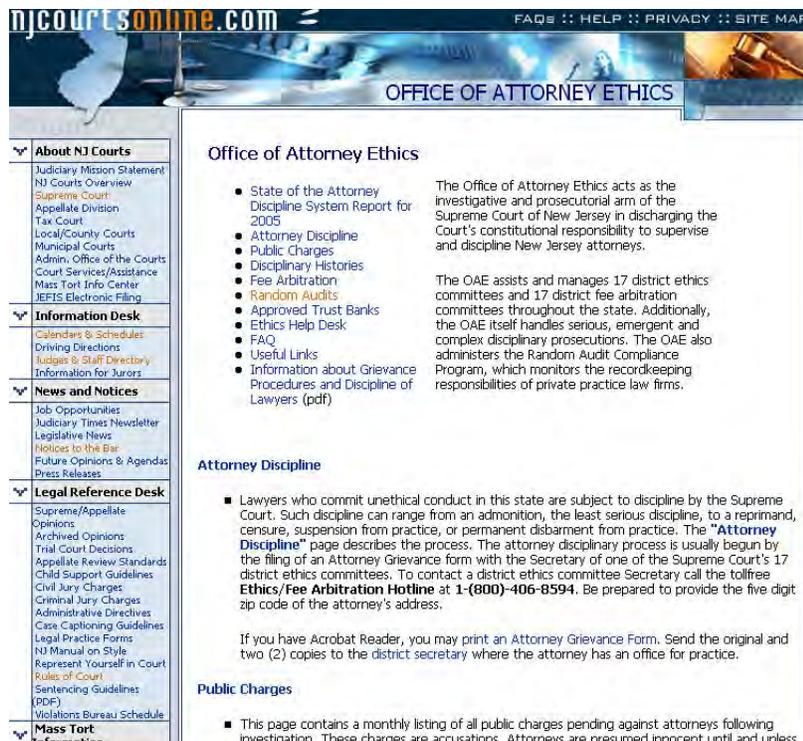


Figure 11

ATTORNEY POPULATION

There are a 79,717 attorneys admitted to the Garden State (Figure 12) as of the end of December 2006. This figure is twice the total of 38,408 lawyers admitted in the state just 18 years ago at the end of 1988. This is so despite a one-year decrease (5,999) in admitted lawyers in 2005 due to the Supreme Court's adoption of a court rule that administratively revoked the licenses of attorneys who had been declared ineligible to practice for seven consecutive years for repeated non-payment of their annual registration fees. *R. 1:28-2(c)*. To again practice here, these former lawyers will have to complete the full admission process.

New Jersey continues to be among the fastest growing lawyer populations in the country, due in part to its location in the populous northeast business triangle between Washington, D.C., Philadelphia and New York. The total number of lawyers added to our bar population increased by just under 3% (2.95%) in 2006. There is now one lawyer for every 109 citizens in the Garden State, which has a total population of 8,724,560. At current admissions rates, by the end of the year 2010, just seven years away, 90,000 lawyers may be admitted in this state (Figure 12). That total may reach 100,000 attorneys by the year 2013.

According to a July 1, 2006 survey compiled by the OAE for the National Organization of Bar Counsel, Inc., there were a total of 1,696,566 lawyers admitted to practice in the United States. New Jersey ranks seventh out of 51 jurisdictions in the total number of lawyers admitted to practice, representing 4.70% of the July national total. The seven most populous states for lawyers were New York (221,872), California (205,217), Texas (89,785), Pennsylvania (87,215), District of Columbia (82,996), Illinois (80,041) and New Jersey (77,434).

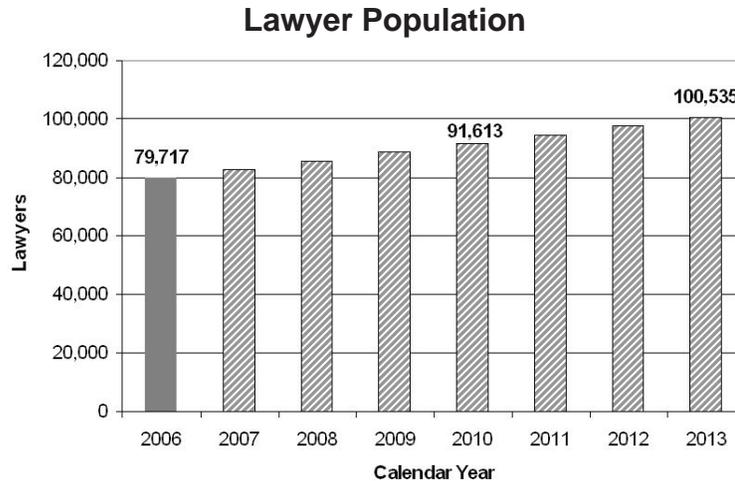


Figure 12

The number of attorneys admitted to practice here is a factor in the number of disciplinary inquiries and grievances filed yearly, 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 13).

Lawyer-Grievance Analysis			
Year	Filings	Lawyers*	Percent
2006	1,429	63,275	2.26%
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%
* Active Lawyers – Source: Lawyers’ Fund for Client Protection			

Figure 13

FINANCING ATTORNEY DISCIPLINE

The attorney disciplinary system is funded exclusively from the Court’s annual mandatory registration assessment on lawyers. No taxpayers’ monies are used to support these functions. That assessment constitutes dedicated funds earmarked exclusively for the attorney discipline and fee arbitration systems. *R. 1:20-2(b)*. The annual billing also funds the Lawyers’ Fund for Client Protection, *R. 1:28-2* (which reimburses clients whose monies have been taken dishonestly by lawyers), as well as the Lawyers’ Assistance Program (which helps

lawyers with alcohol, substance abuse and other problems). For calendar year 2006, the annual fees assessed for most lawyers (those admitted 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. (Figure 14).

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

Figure 14

The \$126 disciplinary portion of New Jersey's annual fee for 2005 has actually increased by a total of only \$1 since 1995. At that time, the Court reorganized the system and established the disciplinary portion at \$125 for most New Jersey lawyers (i.e., those admitted between 3 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.

Nationwide, the average annual mandatory fee was \$360, which represents a \$7 increase from the \$353 average fee last year and a \$35 increase from the 2003 average of \$325. The range of mandatory fees in 2006 begins 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. Annual fees for Canadian lawyers range from a low of \$1,600 in Manitoba province to a high of \$4,315 in Ontario. These fees also include a mandatory malpractice component.

New Jersey's registration fee continues to be among the lowest in the country. A July 1, 2006 survey prepared by the OAE for the National Organization of Bar Counsel, Inc., showed that New Jersey ranked 7th (with 77,434 attorneys) out of 51 United States jurisdictions in attorney size and ranked 41st (at \$182) in the amount of mandatory fees required to practice. In 2005, New Jersey ranked 5th in size and 41st in the country in the amount of mandatory annual fees charged.

The Court has established a Disciplinary Oversight Committee (Oversight Committee) of six attorneys and five public members, to review the attorney disciplinary system and its budget. The Director of the Office of Attorney Ethics and the Chief Counsel for the Disciplinary Review Board annually submit the disciplinary system budget to the Oversight Committee, which then reviews it and forwards its recommendation to the Court.

The annual budget for attorney discipline in calendar year 2006 is \$9,445,295. Just under sixty percent is allocated to the OAE and 20% to the Disciplinary Review Board. The balance is apportioned: Random Audit Program (6%), Ethics Committees (5%), District Fee Arbitration Committees (4%), Attorney Registration Program (4%) and Oversight Committee (1%).

While the Oversight Committee has no operational responsibilities, it is also charged to assess the disciplinary 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. All members serve *pro bono*. The Oversight Committee members for 2006 are:

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

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

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

Mr. Alfred W. Clark
Penn Power Systems
of Philadelphia, Pennsylvania

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

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

Ms. Lori Dickerson Fouche
Fireman's Fund Ins. Co.
of New York City, New York

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

Mr. Anthony J. Guaci
MaxR Consulting, LLC
of Morris Plains, Morris County

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

Mr. Richard Sackin, C.P.A.
Amper, Politziner & Mattia
of Edison, Middlesex County

EVALUATING GRIEVANCES

Grievance forms are provided to all inquirers to complete relevant information necessary to evaluate their claims. Ethics Committee secretaries review all written grievances filed to determine whether the facts alleged, 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, Ethics Committee secretaries (who are practicing attorneys) evaluate grievances in accordance with court rules for screening cases. If the secretary determines 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 rude conduct or inappropriate language is alleged, or where the lawyer did not pay a personal bill), after consultation with a public member designated annually by the secretary of the Ethics Committee, the secretary will also decline to docket the case. 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 formal complaint has been filed and served. *R. 1:20-9(b.)* Disciplinary officials have a duty to maintain the confidentiality of the system and all non-public documents. *R. 1:20-9(i)*. However, the grievant may speak about his/her own grievance and state that it was filed, its content and the result of the process. Comment includes the fact that a diversion was imposed. However, documents gathered during the investigation may not be released publicly by anyone, except as otherwise provided for in *Rule 1:20-9(a)(1)*.

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 an Ethics 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: diversion or formal complaint. Where both the chair and the OAE Director agree that the attorney is guilty of “minor unethical conduct” and the attorney acknowledges the 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 decreased by 2.9% over the most recent five-year period. (**Figure 15**). In 2006, the number docketed (1,429) decreased by -3.1% compared to last year (1,474).

Changes In Investigations

Year	Filings	Change	Overall
2006	1,429	-3.1%	-2.9%
2005	1,474	-2.6%	
2004	1,513	-11.2%	
2003	1,703	15.7%	
2002	1,472	---	

Figure 15

The disciplinary system entered 2006 with a total of 1,171 investigations carried over from prior years. During the year, 1,429 new investigations were added for a total disposable caseload of 2,600. A total of 1,533 investigations were completed and disposed of, leaving a total of 1,067 pending investigations at year’s end. Of that number, 142 were in untriable status, leaving an active pending investigative caseload of 921 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.

PUBLIC HEARINGS

Once a formal complaint is issued and served on a respondent, the matter becomes 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.

The 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 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.

Changes In Complaints

Year	Filings	Change	Overall
2006	241	6.26%	32.4%
2005	226	-19.6%	
2004	281	43.4%	
2003	196	7.7%	
2002	182	---	

Figure 16

The number of formal complaints filed with the system (241) increased by 6.6% this year over last (226). For the most recent five-year period, formal complaints filed increased overall by 32.4%. (Figure 16).

The disciplinary system began calendar year 2006 with a total of 230 complaints carried over from prior years. During the year, 241 new complaints were added for a total disposable caseload of 471. A total of 262 complaints were completed and disposed of through the hearing process, leaving 209 pending complaints at year's end. Of

that number, seven were in untriable status, leaving an active pending caseload of 202 matters. As previously discussed in the 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 system. The Review Board meets monthly in public session in Trenton at the Richard J. Hughes Justice Complex where oral arguments are held on recommendations for discipline. For 2006, Review Board members are:

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

Edna Y. Baugh, Esq.
 Stephens & Baugh, Law Offices
 of Maplewood – Essex County

Bonnie C. Frost, Esq.
 Einhorn, Harris, Esqs.
 of Denville - Morris County

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

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

Ms. Ruth Jean Lolla
 of Toms River - Ocean 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

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 this 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 or by counsel. The presenter of an Ethics Committee or OAE ethics counsel appears to prosecute the matter before the Review Board.

At monthly meetings, the Review Board also decides other matters. In the event that an Ethics 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 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.

The OAE appeared before the Review Board during 2006 in a total of 67 oral arguments. No witnesses are permitted at the 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 (Court) has exclusive authority over the regulation of the practice of law. *N.J. Const. Art. VI, Section II, P3*. The Court sets the terms for admission to the practice of law and regulates the professional conduct of attorneys.

The Supreme 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.

During 2006 two Chief Justices led the Court. Chief Justice Deborah T. Poritz was originally sworn in on July 10, 1996. Her term expired on October 25, 2005, when she retired, one day prior to her seventieth birthday. She was succeeded as Chief Justice by Associate Justice James R. Zazzali, who was sworn into office on October 26, 2006. His vacancy on the Court was filled by Justice Helen E. Hoens, formerly Judge of the Appellate Division of Superior Court. She was sworn in on October 26, 2006. The current members of the Court are shown in **Figure 17**:

Justices of the Supreme Court of New Jersey

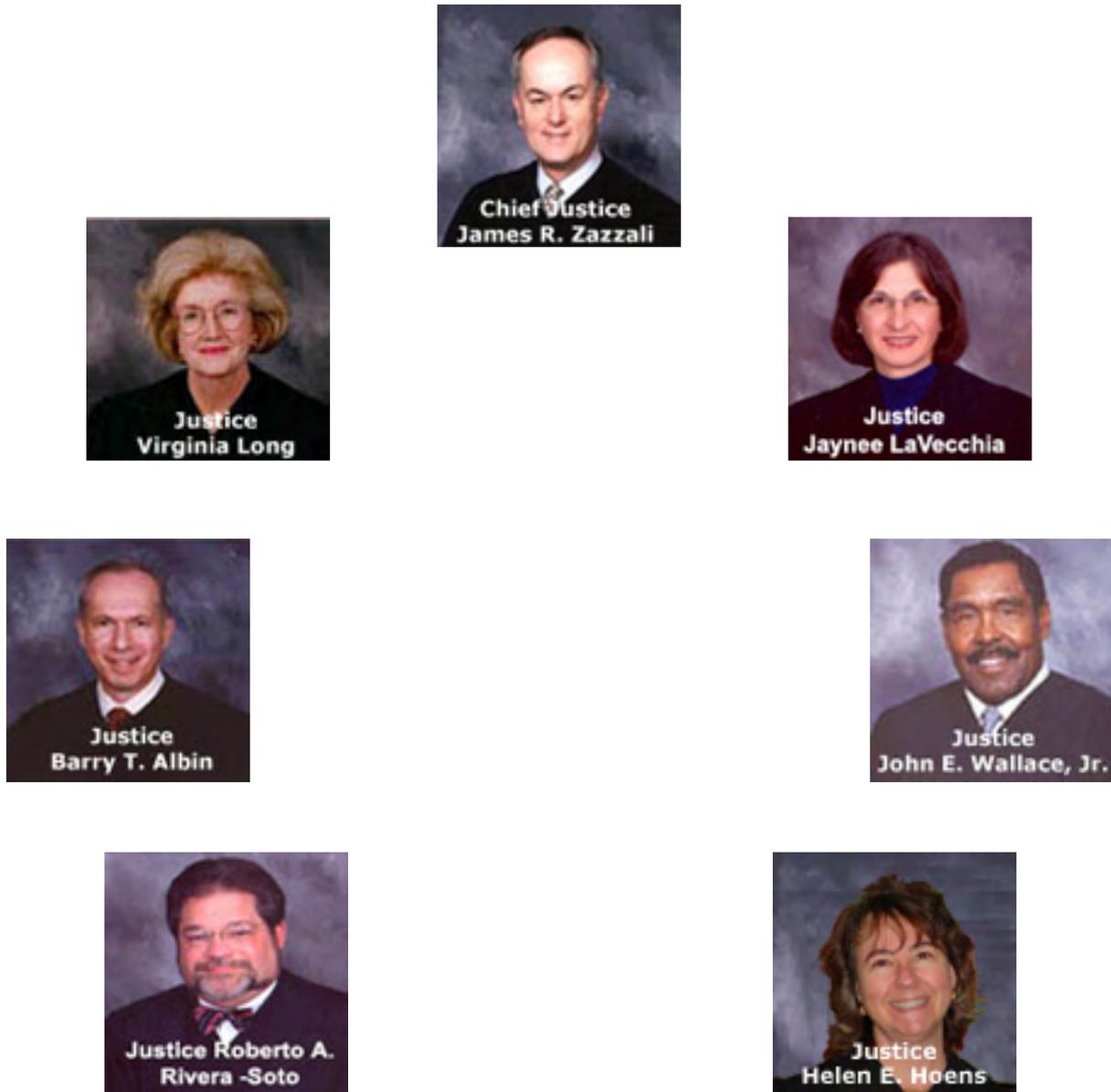


Figure 17

The Court hears oral arguments in disciplinary matters at the Richard J. Hughes Justice Complex in Trenton. Only the Court can order disbarment of an attorney. In all other matters, the decision of the Review Board becomes final on the entry of a confirmatory order by the 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 2006, OAE attorneys appeared 32 times for oral argument. 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.

OFFICE OF ATTORNEY ETHICS

The Court created 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 has programmatical 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 trust record keeping practices are followed. The office also oversees the collection and analysis of annual Attorney Registration data (**Chapter 5**), which provides demographic and private practice information about all New Jersey lawyers, including trust and business accounts.

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

The Court appoints the OAE Director. On recommendation of the Director, the Court 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 24 years of legal experience (excluding the Director and First Assistant):

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, Central Ethics Unit, Administrative Office of the Courts (1976-80); Chief, Division Ethics & Professional. 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 New Jersey Ethics Commission (1991-93); Member, New Jersey State Insurance Fraud Steering Ethics 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 Ethics 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 Ad Hoc Ethics 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); Law Offices of Michael J. Sweeney (1990-93); all of Mt. Holly.

Related Experience: Chair & Member of Supreme Court 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 Supreme Court's Advisory Committee on Judicial Conduct (1977-83); Secretary to Supreme Court's Unauthorized Practice Committee (1980-83).

Paula T. Granuzzo, Deputy Ethics Counsel and Statewide Ethics Coordinator

Joined OAE 1989 & 2005; Admitted to Practice 1981

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

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

Related Experience: Deputy Ethics Counsel, Office of Attorney Ethics (1989-92); Assistant Counsel, Supreme Court's 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 District IX (Monmouth County) Ethics Committee (1988-92).

John McGill, III, Deputy Ethics Counsel and Statewide Fee Arbitration Coordinator

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); and 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 L. 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); 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/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 District IIIB (Burlington County) Ethics Committee (1999-03).

Christina Blunda Kennedy, Deputy Ethics Counsel

Joined OAE 2006; Admitted to Practice 1988

B.A. Rutgers University 1984; J.D. Seton Hall University Law School 1988

Law Practice: Associate at Leary, Bride, Tinker & Moran of Cedar Knolls (1989-92); Law Offices of Christina Blunda of New Brunswick & Brielle (1992-94), Partner with Martin & Simmonds of Whitehouse (1994-99); Partner with Lepore, Luizzi, Lepore & Blunda of Brick (1999-01); Deputy Attorney General, Division of Law (2003-06).

Related Experience: Member, Supreme Court District VIII (Middlesex County) Fee Arbitration Committee (1998-99)

OAE Administrative Group



From left to right: OAE Administrator Susan F. Robert, Support Staff Supervisor Rhonda L. Hardinger, Information Systems Manager Mark S. Wagner and Network Administrator Jeffrey W. Renson. Not shown: Patricia D. Strieffler.

Figure 18

number of these staff positions provide and data to the public, attorneys and others, issue Certificates of Ethical Conduct, transcribe interviews and demand audits, computerize and update information on all disciplinary cases docketed statewide by 17 Ethics Committees and all fee disputes handled by 17 Fee Arbitration Committees and all significant actions taken, including final determinations, enter the results of decisions by the Supreme Court and the Review Board into OAE systems, enter attorney registration data, handle the Trust Overdraft Program, the approved trust depositories program, the use of special ethics masters, administer OAE pool vehicles, perform book keeping functions together with many other important tasks without which the disciplinary system could not operate.

The work of the OAE is ably supported by its Administrative Group (**Figure 18**). This group includes the OAE Administrator, who is responsible for human resources, facilities management, budgeting and accounting services, attorney registration data, reception and public information. She is assisted by a Support Staff Supervisor and an Administrative Assistant. Information technology is handled by a manager and a network administrator.

The OAE's Support Staff for discipline (**Figure 19**) consists of a legal assistant, secretaries, and clerical positions. These positions support the attorneys, disciplinary investigators, auditors and administrative personnel. In addition to traditional secretarial/support services, a

OAE Support Staff Group



From left to right: Secretaries Lavette D. Mims, Rosalind J. Roberts, Emma M. Tomlinson, Customer Service Representative Amy L. Mascia and Secretary Sharon D. Vandegrift. Not Shown: Barbara A. Cristofaro, Danette Brown, Serita B. White, Anderia L. Calhoun, Glenda D. Jones, Gail S. Gross, Mercedes R. Schneider, Marian B. Besecker, and T. Paul Dawson.

Figure 19

OAE Complex Investigative Group



From left to right: Auditor Barbara M. Galati , Investigator Gregory Kulinich, Assistant Chief William M. Ruskowski, Investigators Wanda L. Riddle and Mary Jo Bolling, Auditors Arthur L. Garabaldi, John Rogalski, G. Nicholas Hall, Bruce Bethka and Jennie Anne Rooth, Investigator M. Scott Fitz-Patrick, Auditors Steven J. Harasym and Christopher W. Spedding, Chief Gerald J. Smith and Assistant Chief Jeanine E. Verdel. Not shown: Julie Bakle, Al Beck, Denise A. Gamble, Gary K. Lambiase, Susan R. Perry-Slay, and Investigative Aide Terry M. Bruck.

Figure 20

The OAE's Complex Investigative Group (**Figure 20**) consists of forensic auditors and disciplinary investigators, assisted by Investigative Aide Therese M. Bruck. This group primarily conducts statewide investigations of complex, serious and emergent matters, reciprocal discipline and criminal and civil charges made against New Jersey lawyers. Cases often involve misappropriation of trust funds, unethical financial and fraudulent conduct, recidivist attorneys, and related white-collar misconduct. The group also handles other serious and emergent matters where temporary suspensions of attorneys are sought to protect the public and the Bar.

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).

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 Ethics Committees. Volunteer attorneys serve as investigators in all districts. Where a formal complaint has been filed, public members join their attorney counterparts on hearing panels to decide cases. Volunteer attorneys also prosecute cases they investigate before district hearing panels.

OAE District Group



From left to right: Secretary Sharon D. Vandegrift and Statewide Ethics Coordinator Paula T. Granuzzo, Esq. Not shown: Caroline E. Allen.

Figure 21

The OAE District Ethics Group (**Figure 21**) supports the efforts of all volunteer Ethics Committees throughout the state. Deputy Ethics Counsel Paula T. Granuzzo, Esq., who serves as Statewide Ethics Coordinator, spearheads this effort. She is assisted by an administrative assistant and by a secretary who serves the group on a part-time basis.

The responsibilities of the Statewide Ethics Coordinator's Group are broad and include: conducting a broad recruitment of potential members, including screening and appointment; replacing members as necessary; conducting annual orientation training on two occasions; conducting annual meetings of all district officers; preparing and updating the District Ethics Committee Manual provided to all members; providing monthly computer listings of all pending cases to district officers and updating as necessary; handling general correspondence, as well as complaints about processing from

grievants and respondents.

The Statewide Coordinator also assesses conflicts arising at the district level and transfers cases throughout the state as necessary; continuously communicates with chairs, vice chairs and secretaries regarding committees' compliance with Supreme Court time goals for investigations and hearings and other problems; compiles and reviews monthly and quarterly exception reports from officers, the latter being presented to the DOC; and periodically follows-up with volunteer investigators and hearing panel chairs, as necessary.

As well, she prepares and issues a quarterly DEC Newsletter to educate existing members on current issues; issues Certificates of Appreciation to outgoing members; issues press releases for incoming and outgoing members; and consults with the Director on an ongoing basis and recommends policies necessary to secure goals set by the Supreme Court.

As of September 1, 2006, there were 494 volunteers (403 attorneys and 91 public members) of Ethics Committees serving pro bono across the state. Following is a list of members who served on the Court's Ethics Committees during the 2006-2007 term.

DISTRICT I**Atlantic, Cape May, Cumberland and Salem Counties****Secretary:** Fredrick L. Shenkman of Oceanville

Donald R. Charles of Ocean City, Chair	2007
Bonnie L. Laube of Vineland, Vice Chair	2008
Tracey Furno Oandasian of Woodstown	2007
Nancy L. Ridgway of Linwood	2007
Anthony A. Swan of Atlantic City	2007
John W. Tumelty of Palermo	2007
Jennifer R. Webb of Millville	2007
Michael J. Fitzgerald of Linwood	2008
Willis F. Flower of Linwood	2008
Carmine J. Tagliatella of Pleasantville	2008
Samantha S. Wolf of Linwood	2008
Ingrid L. French of Atlantic City	2009
Jacqueline M. Hawkins of Atlantic City	2009
Richard S. Mairone of Somers Point	2009
Eileen Oakes Muskett of Atlantic City	2009
Kathryn Laird Myers of Bridgeton	2009
Alfred J. Verderose of Vineland	2009
Richard J. Albuquerque of Atlantic City	2010
James B. Arsenault, Jr. of Cape May Court House	2010
Epiphany J. McGuigan of Ocean City	2010
Benjamin M. Podolnick of Northfield	2010
Donald A. Wadsworth of Northfield	2007
James V. Wray of Pleasantville	2007
Jeanne Doremus of Bridgeton	2008
Daniel T. Campbell of Margate	2009
Rosalind Kincaid of Atlantic City	2009
Robert A. Woodruff, Sr. of Elmer	2010

DISTRICT IIA**North Bergen County****Secretary:** Morton R. Covitz of Hackensack

Donald M. Onorato of Hackensack, Chair	2007
Gale B. Weinberg of Hackensack, Vice Chair	2008
Jeffrey L. Clutterbuck of Ridgewood	2007
John P. Wallace of Ridgewood	2007
David C. Hoffman of Cresskill	2008
Anthony N. Iannarelli, Jr. of Ridgewood	2008
David S. Lafferty of Hackensack	2009
Susan M. Marra of Hackensack	2009
Donald F. Miller of Hackensack	2009
Susan A. Semler of Hackensack	2009
Donna T. Tamayne of Hackensack	2009
George B. Wolfe of Rochelle Park	2009
Robert M. Biagiotti Hackensack	2010
Edward G. Johnson of Hackensack	2010
Frank J. LaRocca of Glen Rock	2010
Joel J. Reinfeld of North Bergen	2010
Linda H. Schwager of Oakland	2010
Bettina Kretz of Upper Saddle River	2007
Nancy Cronk Peet of Midland Park	2007
Carolyn Lloyd Cohen of Englewood	2009
Rochanna Muenthongchin of Maywood	2009
Michael J. A. Smith of Maywood	2009
Henry B. Chernin of New Milford	2010
Beth Politi of Montvale	2010

DISTRICT IIB**South Bergen County****Secretary:** Morton R. Covitz of Hackensack

Salvatore A. Giampiccolo of Ridgewood, Chair	2007
Doris J. Newman of Hackensack, Vice Chair	2008
Daniel M. Eliades of Rochelle Park	2007
Jason Errol Foy of Hackensack	2007
Janet B. Lurie of Hackensack	2007
James X. Sattely of Hackensack	2007
Ilana Volkov of Hackensack	2007
Priscilla M. Boggia of Ridgefield	2008
David Edelberg of Hackensack	2008
Deborah M. Gross-Quatrone of Saddle Brook	2008
Donna Russo of Hackensack	2008
Salvador H. Sclafani of Hackensack	2008
Helene C. Herbert of Wood-Ridge	2009
Michael I. Lubin of Hackensack	2009
David O. Marcus of Hackensack	2009
Nina C. Remson of Hackensack	2009
Bruce L. Atkins of Hackensack	2010
Joseph R. Donahue of River Edge	2010
Patricia Ann Kieck of Hackensack	2010
Sean Mack of Hackensack	2010
Joseph M. Valenzano, Jr. of Woodcliff Lake	2007
Sherry Bauer of Cliffside Park	2009
Alesia Benedict of Mahwah	2009
Joseph I. Carballo of Hackensack	2010
Sheila O'Shea Melli Ridgewood	2010

DISTRICT IIIA**Ocean County****Secretary:** Steven Secare of Toms River

Kenneth F. Fitzsimmons of Point Pleasant, Chair	2007
Lynne A. Dunn of Toms River, Vice Chair	2008
Debra M. Himber of Forked River	2007
Jeff J. Horn of Toms River	2007
Peter J. Van Dyke of Toms River	2007
Joseph D. Grisanti of Jackson	2008
Stacey D. Kerr of Toms River	2008
John G. Ducey of Toms River	2009
Benjamin H. Mabie, III of Bayville	2009
Joan L. Murphy of Toms River	2009
Michael K. Nolan of Brick	2009
Christine N. Rossi of Brick	2009
Frederick R. Wiedeke, Jr. of Bayville	2009
Robert D. Budesa Toms River	2010
Laura M. Halm of Lakewood	2010
Scott W. Kenneally of Brick	2010
Christine L. Matus of Toms River	2010
Ronald E. Prusek of Toms River	2010
Shirly Quinones of Toms River	2010
Kevin E. Young of Toms River	2010
Robert B. O'Brien, Jr. of Bay Head	2007
Louise Marie Cole of Toms River	2008
Barbara A. Johnson-Gilmore of Lakewood	2009
Frank Pelly of Normandy Beach	2009

Term Expires

Term Expires

DISTRICT IIB

Burlington County

Secretary: Cynthia S. Earl of Moorestown

Michael A. Taylor of Mount Laurel, Chair	2007
Frances Ann Hartman of Moorestown, Vice Chair	2008
Michael A. Bonamassa of Marlton	2007
Michelle Lee Corea of Mount Laurel	2007
Steven R. Cohen of Mount Laurel	2008
J. Brooks Di Donato of Marlton	2008
Karen M. Murray of Delran	2008
Joseph M. Pinto of Moorestown	2008
Paul Ferrell, Jr. of Marlton	2009
Carol Lynne Jennings of Mount Laurel	2009
Kathleen Conolly Rupinski of Yardville	2009
Mary Kay Wysocki of Marlton	2009
John A. Zohlman of Cherry Hill	2009
Roger Lai Westmont of Westmont	2010
John O. Poindexter of Moorestown	2010
William R. Powers, Jr. of Moorestown	2010
Robert R. Prisco of Riverside	2010
Mark P. Tarantino of Mount Holly	2010
Julie A. Williamson Mount Laurel	2010
Randi A. Wolf of Cherry Hill	2010
Susan K. Geary of Florence	2008
Patricia A. Thomas of Mt. Holly	2008
Thomas McCue of Roebing	2010
Robert C. Zmirich of Mount Laurel	2010

DISTRICT IV

Camden and Gloucester Counties

Secretary: John M. Palm of Cherry Hill

Anne T. Picker of Camden, Chair	2007
Ernest Louis Alvino, Jr. of Woodbury of Vice Chair	2008
David A. Haworth of Voorhees	2007
Christine P. O'Hearn of Westmont	2007
William S. Skinner of Cherry Hill	2007
Mary C. Trace of Woodbury	2007
Lisa B. Baughman of Marlton	2008
Robert N. Braverman of Cherry Hill	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
Lisa Evans Lewis of Camden	2008
Leah M. Morris of Trenton	2008
Efrain Nieves of Camden	2008
Steven J. Richardson of Woodbury	2008
Lisa J. Rodriguez of Haddonfield	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
Albert M. Afonso of Cherry Hill	2010
LaTonya N. Bland of Mount Laurel	2010
Daniel J. DiStasi of Cherry Hill	2010
Dina Gattuso of Blackwood	2010
Andrew J. Karchich of Voorhees	2010

Wayne E. Natale of Woodbury	2010
Kathleen P. Stockton of Haddonfield	2010
Donna M. Whiteside of Camden	2010
William R. Carter, Ed.D. of Williamstown	2007
Martin H. Abo of Voorhees	2008
Rhea Weinberg Brekke of Voorhees	2008
Rita King of Lawnside	2009
Ronda S. Morganstein of Voorhees	2009
Elizabeth M. Dunlap of Marlton	2010
Joseph R. Ford of Cherry Hill	2010

DISTRICT VA

Essex County Newark

Secretary: Seth E. Zuckerman of Newark

Christopher M. Farella of Westfield, Chair	2007
Robert D. Kuttner of Millburn, Vice Chair	2008
Jeffrey Bernstein of Newark	2007
Christopher J. Dalton of Newark	2007
Clement Jude Farley of Newark	2007
Lisa D. Love of Newark	2007
David A. Cohen of Newark	2008
Irvin M. Freilich of Newark	2008
Mark Todd Galante of Newark	2008
Anthony J. Laura of Newark	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
Benjamin C. Curcio of Newark	2010
Robert P. Donovan of Newark	2010
Mary B. Goldhirsch of Newark	2010
Donald W. Kiel of Newark	2010
Darlene Lapola of Newark	2010
Brian O. Lipman of Newark	2010
Mileidy Perez of Newark	2010
Hope Allen of Newark	2007
Harold L. Bernstein of Newark	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

Marc D. Garfinkle of Maplewood, Chair	2007
Michael R. Spar of West Orange, Vice Chair	2008
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. Lehr of West Orange	2007
Marsha Papanek of Short Hills	2007
Ricki Anne Sokol of West Orange	2007
Janet Armuth Wolkoff of South Orange	2007

	Term Expires
Denise Mullens Carter of East Orange	2008
Penelope Codrington of Parsippany	2008
Novlet M. Lawrence of East Orange	2008
Ellen Lewis Rice of Cranford	2008
Alvin Weiss of Morristown	2008
Richard H. Beilin of Morristown	2009
Arla D. Cahill of West Orange	2009
Amy M. Friedman of Short Hills	2009
Denise P. Gilchrist of West Orange	2009
Steven Resnick of Newark	2009
Rubin M. Sinins of Newark	2009
Glenn R. Turteltaub of West Orange	2009
Thomas C. Weisert of Newark	2009
Michael I. Berliner of Livingston	2010
Betsy W. Bresnick of Livingston	2010
Heather Lorraine Brown of Maplewood	2010
Neil J. Dworkin of Irvington	2010
William J. Fitzsimmons of West Orange	2010
Paula I. Getty of Newark	2010
Vicki J. Isler of Newark	2010
Robert Alan Jones of Livingston	2010
Brian R. Lehrer of Paramus	2010
Christopher K. Williams of Newark	2010
James Clark, of Short Hills	2007
Camille Marlow of New York	2008
Bonnie J. Granatir of Livingston	2008
Richard Singer of Livingston	2009
Vicki Horowitz of Livingston	2009

DISTRICT VC

Essex County West Essex

Secretary: Richard Scharlat of Livingston

Harrison J. Gordon of Springfield, Chair	2007
William Seth Greenberg of West Orange, Vice Chair	2007
Angelo Cifelli of Nutley	2007
Nancy S. Feinberg of South Orange	2007
Alexander J. Graziano of Verona	2007
Thomas James Cannon, III of New York	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
Joseph A. DeFuria of Belleville	2009
Joseph A. Fortunato of Upper Montclair	2009
Arthur S. Horn of Nutley	2009
Christina Accardi Mirda of Livingston	2009
Thomas M. Moore of Morristown	2009
Joanne M. Sarubbi of Short Hills	2009
Kathleen Barnett Einhorn of Livingston	2010
John R. Knodel of Edison	2010
Benjamin D. Light of Montclair	2010
David E. Maitlin of West Orange	2010
Sherly Gandel Mazur of West Caldwell	2010
Jonathan R. Mehl of Rutherford	2010
Thomas J. Morgan of Fairfield	2010
Deborah Boone-Coy of Newark	2008
Anthony J. Cervasio of Nutley	2008
Bernard Ennis of Cedar Grove	2009
Maryanne Gerbauckas of Glen Ridge	2009
Maurice J. Brown of Montclair	2010
Lorelle N. Michelson of West Orange	2010

DISTRICT VI

Hudson County

Secretary: Jack Jay Wind of Jersey City

Mary K. Costello of Morris Plains, Chair	2007
Charles M. D'Amico of Secaucus, Vice Chair	2008
Michael J. Dillon of Jersey City	2007
Paula J. Mercado of Parsippany	2007
Marybeth Rogers of Fairview	2007
Nadya M. Zerquera of Guttenberg	2007
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
Mitzy R. Galis-Menendez of Secaucus	2009
Paul M. DaSilva of Harrison	2009
Linda J. Hockstein of Bayonne	2009
Hugh A. McGuire, III of Jersey City	2009
Christopher J. Orriss of Jersey City	2009
Geneis A. Peduto of Jersey City	2009
Kevin J. Purvin of West New York	2009
Joseph Cicala of West New York	2010
Anthony V. D'Elia of Secaucus	2010
Angela C. Femino of Kearny	2010
Richard W. Mackiewicz, Jr. of Hoboken	2010
Brian J. Neary of Hoboken	2010
John A. Young, Jr. of Jersey City	2010
John R. Raslowsky, II of Hoboken	2007
Julie D. Steinberg of Hoboken	2009
Mark R. Tihasek of Union	2009
Cheryl Baker of Kearny	2010
William J. Blevins of Kearny	2010
Robert F. Hahner of Ocean	2010

DISTRICT VII

Mercer County

Secretary: Alan G. Frank, Jr. of Trenton

Keith P. Jones of Princeton, Chair	2007
Elizabeth Walsh Kreger of Lawrenceville, Vice Chair	2008
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 West 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
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
Andrew Bayer of Trenton	2010
Thomas W. Eschelman of Lawrenceville	2010
Jeanette Estremera of Lawrenceville	2010

	Term Expires
Michelle Warner Hammel of Trenton	2010
Azzemeiah R. Vazquez of Trenton	2010
Frans M. Djorup of Princeton	2007
Patricia M. Hart of Trenton	2009
Herbert K. Ames of Hamilton Square	2010
Anne Skalka of Lawrenceville	2010

DISTRICT VIII

Middlesex County

Secretary: Manny Gerstein of Edison

Howard Duff of Woodbridge, Chair	2007
Eileen M. Foley of North Brunswick, Vice Chair	2008
Hon. Barnett E. Hoffman, JSC of North Brunswick	2007
Allan Marain of New Brunswick	2007
Ellen F. Schwartz of East Brunswick	2007
Charles J. Soos of Hopewell	2007
Renee D. Anthony of New Brunswick	2008
Jennifer L. Bradshaw Grosso of Princeton	2008
Timothy M. Casey of Woodbridge	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
Edward J. Rebenack of New Brunswick	2009
Gerald D. Siegel of Plainsboro	2009
Howard H. Sims of Iselin	2009
Kim Marie Connor of Newark	2010
Paula A. Menar of New Brunswick	2010
James B. Smith of Metuchen	2010
Melissa B. Zemsky of Springfield	2010
Mable J. Casagrand of Metuchen	2007
Arthur A. Gross of Woodbridge	2007
Jonathan P. Cowles of Colts Neck	2008
Odette A. Siggelakis-Andrew of East Brunswick	2009
Raymond Zirpolo of Woodbridge	2009
Chris Flood of Perth Amboy	2010

DISTRICT IX

Monmouth County

Secretary: Kathleen A. Sheedy of Oakhurst

Daniel L. Weiss of Paterson, Chair	2007
Joanne S. Nadell of Shrewsbury, Vice Chair	2008
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
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
Ronald T. Catelli of Red Bank	2010
Gary P. McLean of Freehold	2010
Daniel J. O'Hearn, Jr. of Red Bank	2010
Melissa A. Keale of Fair Haven	2007
Carol Ann Roche of Spring Lake	2008

	Term Expires
Barbara J. Morrow of Freehold	2009
John O'C. Nugent of Short Hills	2009
Rev. Bernard D. Oates of Neptune	2010

DISTRICT X

Morris and Sussex Counties

Secretary: Caroline Record of Morristown

Michael J. Riordan of Florham Park, Chair	2007
Catherine M. Brown of Morristown, Vice Chair	2008
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. Weinger of Denville	2007
Richard J. Williams, Jr. of Morristown	2007
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
Michael R. O'Donnell of Morristown	2009
Alice M. Plastoris of Morristown	2009
Larry S. Raiken of Montville	2009
Kevin E. Barber of Morristown	2010
Linda S. Mirsky Brenneman of Morristown	2010
David C. Donohue of Fairfield	2010
Thomas F. Dorn, Jr. of Denville	2010
Karin Duchin Haber of Florham Park	2010
Karen H. Moriarity of Morristown	2010
Lee Ann Pounds of Morristown	2010
Mark M. Tallmadge of Morristown	2010
Patricia L. Veres of Morristown	2010
Robert M. Vinci of Florham Park	2010
Marc H. Zitomer of Florham Park	2010
Susan King of Madison	2007
Richard W. King of Madison	2007
Carole O'Brien of New Vernon	2007
Maria Saks of Denville	2008
John K. Paoloni of Andover	2009
Richard B. Bourque of Newton	2010
James McCrudden of Mountain Lakes	2010
Lynn Litwin Ross of Madison	2010
Len Schrader of Long Valley	2010

DISTRICT XI

Passaic County

Secretary: Robert L. Stober of Clifton

Ralph M. Fava, Jr. of Hawthorne, Chair	2007
Jeffrey James Trapanese of Little Falls, Vice Chair	2008
Thomas M. Kaczka of Mountain Lakes	2007

	Term Expires		Term Expires
Robert Saul Molnar of Wayne	2007	Joan S. Lavery of Hackettstown	2009
Patricia M. Petro of Wayne	2008	Michael J. Pasnik of Basking Ridge	2009
John D. Pogorelec, Jr. of Clifton	2008	David Restaino of Lawrenceville	2009
A. W. Sala, Jr., of Clifton	2008	Patricia S. Robinson of Somerset	2009
Karole A. Graves of Paterson	2009	Carlos Sanchez of Bridgewater	2009
Nestor Guzman, Jr. of Paterson	2009	Stephen D. Williams of Flemington	2009
Terence M. Scott of Clifton	2009	Santina M. Bombaci of Warren	2010
Michael P. DeMarco of North Haledon	2010	Ada H. Carro of Alpha	2010
Michelle Katich of Clifton	2010	Steven B. Fuerst of Somerville	2010
Carl A. Mazzie of Totowa	2010	Daniel R. Guadalupe of Somerville	2010
Linda Couso Puccio of Wayne	2010	Nadine Maleski of Flemington	2010
Jane E. Salomon of Paterson	2010	Michael J. Rogers of Somerville	2010
Kevin D. Sisco of Wayne	2010	Albert D. Rylak of Clinton	2010
Cristobal Collado of Paterson	2007	Bonnie M. Weir of Bridgewater	2010
Patricia M. Henry of Hackensack	2007	David J. Desiderio of Pittstown	2007
Robert J. Lucibello of Hawthorne	2009	George J. Sopko of Somerville	2008
Franics G. Van Leeuwen of Totowa	2010	Kathleen R. Dornback of Branchburg	2009
		Florence M. Cook of Far Hills	2010

DISTRICT XII

Union County

Secretary: William B. Ziff of Westfield

Gary D. Nissenbaum of Union, Chair	2007
Anthony J. LaRusso of Westfield, Vice Chair	2008
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
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
Bruce H. Bergen of Cranford	2010
Susan B. McCrea of Westfield	2010
Elizabeth A. Weiler of Cranford	2010
Casey J. Woodruff of Scotch Plains	2010
Andrea Mattingly of Berkeley Heights	2007
Robert Ira Oberhand of Westfield	2008
Rose Brinker of Clark	2009
Adam J. Rowen of Elizabeth	2010

DISTRICT XIII

Hunterdon, Somerset and Warren Counties

Secretary: Donna P. Legband of Skillman

Sheryl M. Schwartz of Warren, Chair	2007
Jane Anne Herschenroder of Somerville, Vice Chair	2008
Kevin P. Kovacs of Bedminster	2007
Peter V. Abatemarco of Flemington	2008
Jerry S. D'Aniello 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

**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)

EARNING PUBLIC TRUST

A quarter of a century after random audits of law firms began in this state, the conclusion is that the overwhelming majority of New Jersey law firms (98.7%) account for clients' funds without incident. While technical accounting deficiencies are found and corrected, the fact is that only 1.3% of the audits conducted over that period have found serious ethical violations, such as misappropriation of clients' trust funds. Given that law firms are selected randomly for audit on a statewide basis, the selections, and therefore the results, are representative of the handling of trust monies by private practice firms. Consequently, these results should give the public and the Bar great confidence in lawyers and their ability to honestly handle monies entrusted to them. Put another way, the Bar has earned the public's respect.

The stakes are unquestionably high. On average, clients allow New Jersey lawyers to hold almost \$3 Billion dollars in mandatory IOLTA attorney trust accounts alone. Additionally, billions of dollars more are controlled by Garden State firms in separate attorney trust accounts and in other fiduciary accounts maintained in connection with estates, guardianships, receiverships, trusteeships and other similar fiduciary capacities.



The Supreme Court of New Jersey (Court) has ultimate responsibility for ensuring public trust and confidence in lawyers. The Court has employed a multifaceted strategy to accomplish this goal. The Court was one of the first in the nation to implement random audits for law firms. It also created a detailed record keeping rule (*R. 1:21-6*) in 1967 that spells out the accounting requirements and procedures required of all lawyers in handling clients' trust funds. Also, beginning in 1987, the Court was one of the first states to develop mandatory trust account education for all newly admitted practitioners. On the disciplinary front, the Court has for 27 years made known to all lawyers that the knowing misappropriation

of clients' trust funds will result in permanent disbarment. *In re Wilson*, 81 N.J. 451 (1979) and *In re Greenberg*, 155 N. J. 151 (1998). And the Court has defined the term "misappropriation" so as to make the misconduct unquestionable: "(A)ny unauthorized use by the lawyer of clients' funds entrusted to him, including not only stealing, but also unauthorized temporary use for the lawyer's own purpose, whether or not he derives any personal gain or benefit therefrom." *In re Wilson*, 81 N.J. 451, 456 n. 1 (1979).

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. Sometimes 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.” *Id.* at 454-455.

Such unwavering public trust requires thorough and responsible regulatory oversight on a continuous basis. This was the foundation on which New Jersey’s Random Audit Compliance Program was authorized in 1978. Audits actually commenced in 1981. All law firms who engage in the private practice of New Jersey law are required to maintain trust and business accounts in New Jersey for their practices and are subject to random reviews for accounting compliance. These law firms are randomly selected annually from the state’s annual Attorney Registration database. Only eight other states in the nation have operational random audit programs (Iowa, Delaware, Washington, New Hampshire, North Carolina, Vermont, Hawaii and Kansas).

AUDIT STAFF

The Random Audit Program is conducted under the auspices of the Court’s Office of Attorney Ethics (OAE). The random staff is managed by Chief Auditor, Robert J. Prihoda, who joined the OAE in 1981. Mr. Prihoda is both a lawyer and a Certified Public Accountant. He is assisted by Assistant Chief Auditor Mary Waldman, who came to the OAE in 1988. She is a Certified Fraud Examiner. The program has two Senior Random Auditors: Mimi Lakind, also a lawyer, who joined the OAE in 1984 and Karen J. Hagerman, a Certified Fraud Examiner, who joined the OAE in 1995; and one Random Auditor: Joseph J. Strieffler, Jr., who began at the OAE in 1998. All auditors (**Figure 22**) have substantial private or public sector accounting experience. Secretary Ruth Bailey supports these individuals.

Random Audit Group



From left to right: Senior Auditor Karen J. Hagerman, Assistant Chief Auditor Mary E. Waldman, Secretary Ruth Bailey (seated), Senior Auditor Mimi Lakind and Chief Auditor Robert J. Prihoda. Not shown: Joseph R. Strieffler, Jr.

Figure 22

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 and other serious ethical violations when they occur.

OBJECTIVES

The random program serves multiple objectives in New Jersey. The central goal 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 (**Figure 23**). 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 and other serious unethical conduct, even though this is not the primary purpose of the program. These disciplinary cases arising solely out of random audits are discussed later under the heading "Disciplinary Action."

RANDOM SELECTION

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 Corporation algorithm for randomness. The identifier used for the law firm in the random selection process is the main law office telephone number provided by attorneys on the Annual Attorney Registration Statement (**Chapter 5**). The selection is made on a statewide basis. The Court approved this methodology in 1991 as the fairest and most unbiased selection process possible, because it insures that each law firm, regardless of size, has an equal chance of being selected.

UNIFORM ACCOUNTING

For almost 40 years the New Jersey Record Keeping *Rule 1:21-6* has provided attorneys with detailed guidance on handling trust and business accounts. It is the uniform measuring standard for all audits. *Rule 1:21-6*, which incorporates generally accepted accounting principles, also specifies in detail, the types of accounting records that must be maintained and their locations. It also requires monthly reconciliations, prohibits overdraft protection and the use of ATM's for trust accounts and, also, requires a seven-year record's retention schedule.

All attorneys who practice New Jersey 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. Banking accounts must be located in New Jersey. All trust accounts must be uniformly and prominently designated "Attorney Trust Account." 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 must be made available for inspection by random audit personnel. The confidentiality of all audited records is maintained at all times.

Audited Attorneys' Comments

“I think there was a very beneficial exchange that took place during the time of the random audit. My accountant was present as well as my bookkeeper. Both my accountant and bookkeeper work for other law firms thus, the knowledge gleaned from your auditor will have a very positive impact among some of my peers.”

A MORRIS COUNTY SOLE PRACTITIONER

“In closing, I would like to say that I found the audit experience helpful to me in improving my office bookkeeping. The auditor was very efficient and cordial and was able to clearly explain all of the processes involved to me.”

**A HUDSON/SUSSEX COUNTIES SOLE
PRACTITIONER**

“Let me also take this opportunity to thank and commend, the compliance auditor who visited me, for the auditor’s thorough professionalism and assistance. This program is an outstanding way to assist sole practitioners like me, and I benefited greatly from it.”

A GLOUCESTER COUNTY SOLE PRACTITIONER

“Your auditor was very professional and helpful providing me with assistance to correct the above deficiencies. I would appreciate it if you would extend my appreciation to your auditor in this matter.”

A PASSAIC COUNTY SOLE PRACTITIONER

“Please accept our sincere thanks for the courtesies and cooperation you have extended toboth during and following the audit. Your professionalism has made the process pain-free as one could hope.”

**A BERGEN COUNTY/NEW YORK CITY/MIAMI,
FLORIDA SOLE PRACTITIONER**

Figure 23

SCHEDULING AUDITS

New Jersey uses a statewide approach to audit selection. Once an annual, statewide selection has been made, audits are scheduled generally 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 believed 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.

EXAMINATION and 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.



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 confirming the exit conference and 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. The firm must then certify in writing how each deficiency has, in fact, been completed. If the confirming letter is received from the attorney, the case is closed administratively. If the letter is not received, a final ten-day letter is sent advising the law firm

that, if no detailed confirming letter is received within ten days, 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).

TRUST EDUCATION

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. For 19 years (beginning in 1987), the Court has mandated 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. All participants receive *Trust and Business Accounting for Attorneys* (now 6th Edition 2006), written by the OAE Director. This work has been cited with approval outside this state: Tennessee adopted the treatise in part in its Formal Ethics Opinion 89-F-121 entitled *The Mechanics of Trust Accounting*; California and Illinois have also produced handbooks based upon New Jersey's work.

RAP Webpage

NEW JERSEY JUDICIARY
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home

[| OAE Homepage](#) | [| Attorney Discipline](#) | [| Banks](#) | [| Disciplinary Histories](#) | [| FAQs](#) | [| Fee Arbitration](#) | [| Links](#)

Random Audits

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- [What is the Random Audit Program?](#)
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- [Is the Selection Really Random](#)
- [What Ethical Requirements does RPC 1.15 place upon an Attorney?](#)
- [What Recordkeeping Requirements does R.1:21-6 impose upon an Attorney?](#)
- [What are the Consequences of Non-Compliance with RPC 1.15 and R.1:21-6?](#)

INTRODUCTION

The information on this webpage highlights the general operation of the **Random Audit Program (RAP)**, as well as some of the more important **accounting requirements** imposed on all attorneys who engage in the private practice of law in this state.

It is not a substitute for reading *New Jersey Court Rule 1:21-6* and *Rule of Professional Conduct 1.15*. Every attorney is obligated to read these rules and comply with them in accordance with case law and advisory opinions interpreting them, and in accordance with generally accepted accounting practice.

The **Institute for Continuing Legal Education** [(908)249-5100] publishes a book entitled *Trust and Business Accounting for Attorneys* that contains more substantial detail together with samples of all required journals, ledgers, and reconciliation formats.

Figure 24

OAE's website (Figure 24). 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 select "Office of Attorney Ethics" and then the "Random Audit" link.

DISCIPLINARY ACTIONS

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.

Annually, all lawyers receive an attorney registration statement that requires all private practitioners to list their primary trust and business accounts and to certify compliance with the record keeping requirements of *Rule 1:21-6*. A reproduction of that rule is included with the 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 law firms, together with the initial random scheduling letter.

Detailed information on the program is also on the

During the twenty-five year period from July 1981, when audits first began, through December 31, 2006, serious financial misconduct by 117 attorneys was detected solely as a result of being randomly selected for audit. These attorneys received the following discipline for their violations: 63 attorneys were disbarred; 15 were suspended for periods of three months to two years; two were censured, 29 were reprimanded; and eight received admonitions. The vast majority of the matters detected were very serious disciplinary cases that resulted in disbarment or suspension. Disbarred (63) 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 25**.

This discussion does not begin, however, to adequately emphasize the full importance of the role of the random program over the past 25 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 New Jersey's 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 2006, the Court finally disciplined seven attorneys who committed serious ethical violations. These attorneys were detected solely by the program. Alcides T. Andril from Union County was censured on October 17, 2006 (188 *N.J.* 385) for failing to supervise secretaries who systematically overcharged real estate clients for costs; he also lied to OAE auditors; Bergen County attorney John L. Blunt was reprimanded on June 9, 2006 (187 *N.J.* 117) for negligently misappropriating clients' trust funds and various record keeping violations; Gary L. Edelson of Monmouth County was disbarred by consent on September 27, 2006 (188 *N.J.* 282) for knowing misappropriation of over \$10,000 in clients' trust funds; Essex County practitioner William L. Nash, II was disbarred on May 23, 2006 (187 *N.J.* 1) for knowingly misappropriating client and third-party escrow funds in three separate client matters; Phillip J. Simms of Hunterdon County was censured on January 24, 2006 (185 *N.J.* 602) for negligently misappropriating over \$5,000 in clients' funds; Essex County attorney Maury R. Winkler was reprimanded on March 21, 2006 (186 *N.J.* 263) for negligently misappropriating client trust funds as a result of abysmal record keeping practices and Hudson County Leo R. Vartan was disbarred by consent on November 8, 2006 (188 *N.J.* 482) for the knowing misappropriation of clients' trust funds.

Random Audit Disbarments

<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. 040	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. 078	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
Edelson, Gary L.	Monmouth	Disbarment By Consent	188 N.J. 282	2006
Franco, Leonard H.	Hudson	Disbarment By Consent	169 N.J. 386	2001
Freimark, Lewis B	Essex	Disbarment	152 N.J. 045	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
Haerberle, 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. 029	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. 014	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
Nash, William L., II	Essex	Disbarment	187 N.J. 001	2006
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. 069	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. 010	1987
Saltzberg, Edwin F.	Camden	Disbarment By Consent	103 N.J. 700	1986
Sassano, Michael F.	Bergen	Disbarment By Consent	184 N.J. 001	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
Vartan, Leo R.	Union	Disbarment By Consent	188 N.J. 482	2006
Vogel, Peter S.	Bergen	Disbarment By Consent	165 N.J. 202	2000
Waldron, James J., Jr.	Mercer	Disbarment By Consent	152 N.J. 018	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 25

**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)

NATIONAL LEADERSHIP

The Supreme Court of New Jersey has been a national leader in adopting and implementing innovative programs that engender confidence by the public in our attorney regulatory efforts. The enactment of a statewide, mandatory fee arbitration program is one such endeavor. The fee system requires that the lawyer notify the client of the fee arbitration program's availability prior to bringing a lawsuit. If the client chooses fee arbitration, the lawyer must arbitrate the matter.

Adopted in 1978, the New Jersey program was just 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.

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, South Carolina and Wyoming. **Figure 26.** These programs offer a real remedy to clients who believe that they have been charged more than a reasonable fee.

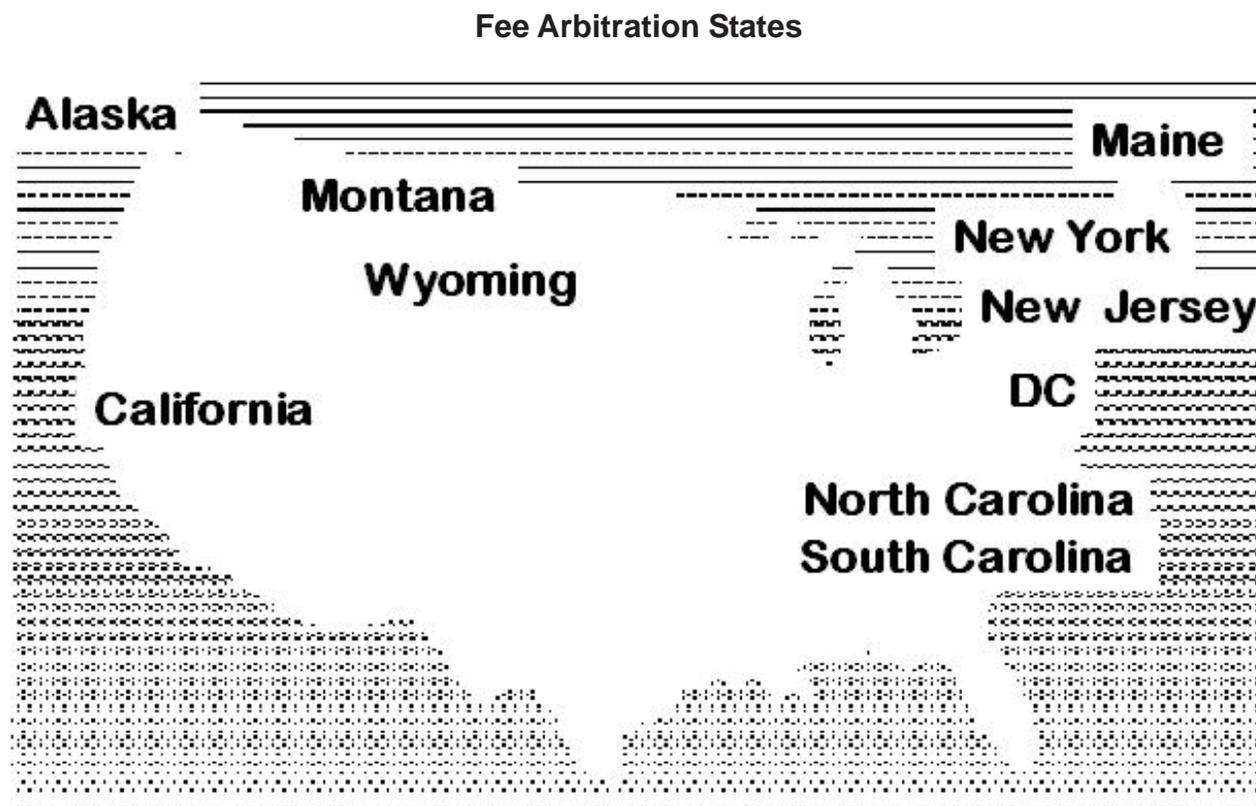


Figure 26

ORGANIZATION AND GOAL

The purpose of New Jersey's fee system is to provide the public and attorneys with a fair method of resolving disagreements over the amount of legal fees charged by Garden State attorneys. This system deals solely with attorney-client fee disputes. Prior to its creation in 1978, both ethics grievances and fee disputes were heard by the same committees. Separation of these functions recognized the fact that fee disputes are not disciplinary matters and deserve their separate forum.

The Office of Attorney Ethics (OAE) administers the statewide system. Deputy Ethics Counsel John McGill, III, Esq. is the OAE's part-time Statewide Fee Coordinator. He is assisted by a fee assistant, a data entry clerk and a part-time secretary. **Figure 27.**

OAE Fee Arbitration Group



From left to right: Statewide Fee Arbitration Coordinator John McGill, III, Esq. and Secretary Lavette D. Mims. Not shown: Gerry M. Stults and Mary Zienowicz.

Figure 27

The fee arbitration process is quite streamlined. It is a two-tiered system that operates statewide. **Figure 28.** Fee arbitration is conducted on two levels:

- 17 District Fee Arbitration Committees (Fee Committees); and
- the Statewide Disciplinary Review Board (Review Board).

The Supreme Court (Court) establishes the rules governing fee arbitration procedures. However, the Court does not routinely become involved in the arbitration process itself. For example, parties do not have a right of appeal from the Review Board's decision. In its discretion, however, the Court has accepted only three cases in the past two decades to deal with constitutional or other issues of statewide importance.

Fee Arbitration System



Figure 28

INITIATING ARBITRATION

Fee arbitration begins when a client files an arbitration request with the secretary of the Fee Committee in a district where the lawyer maintains an office. Both the client and attorney are required to pay a \$50 administrative filing fee for using the system. Fee Committees have jurisdiction even where the attorney has been “suspended, resigned, disbarred or transferred to ‘disability-inactive’ status since the fee was incurred.” *R 1:20A-3(a)*. Fee Committees are organized along geographic lines identical to Ethics Committee districts. **Figure 29.**

Fee Committee Districts

Districts	Counties
I	Atlantic/Cumberland/Cape May/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 29

Rule of Professional Conduct 1.5, there are at least eight factors that may be considered in establishing the reasonableness of a fee: 1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly; 2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer; 3) the fee customarily charged in the locality for similar legal services; 4) the amount involved and the results obtained; 5) the time limitations imposed by the client or by the circumstances; 6) the nature and length of the professional relationship with the client; 7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and 8) whether the fee is fixed or contingent.

After a fee arbitration request form has been filed with the secretary and docketed, a questionnaire, called an Attorney Fee Response Form, is sent to the attorney. It requests a copy of the bill, any written fee agreement and any time records. The attorney is also 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 response on the client and 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)*. Thereafter, the matter can be set down for a hearing (**Figure 30**).

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 process. 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.

THE PROCESS

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

Arbitration Flowchart

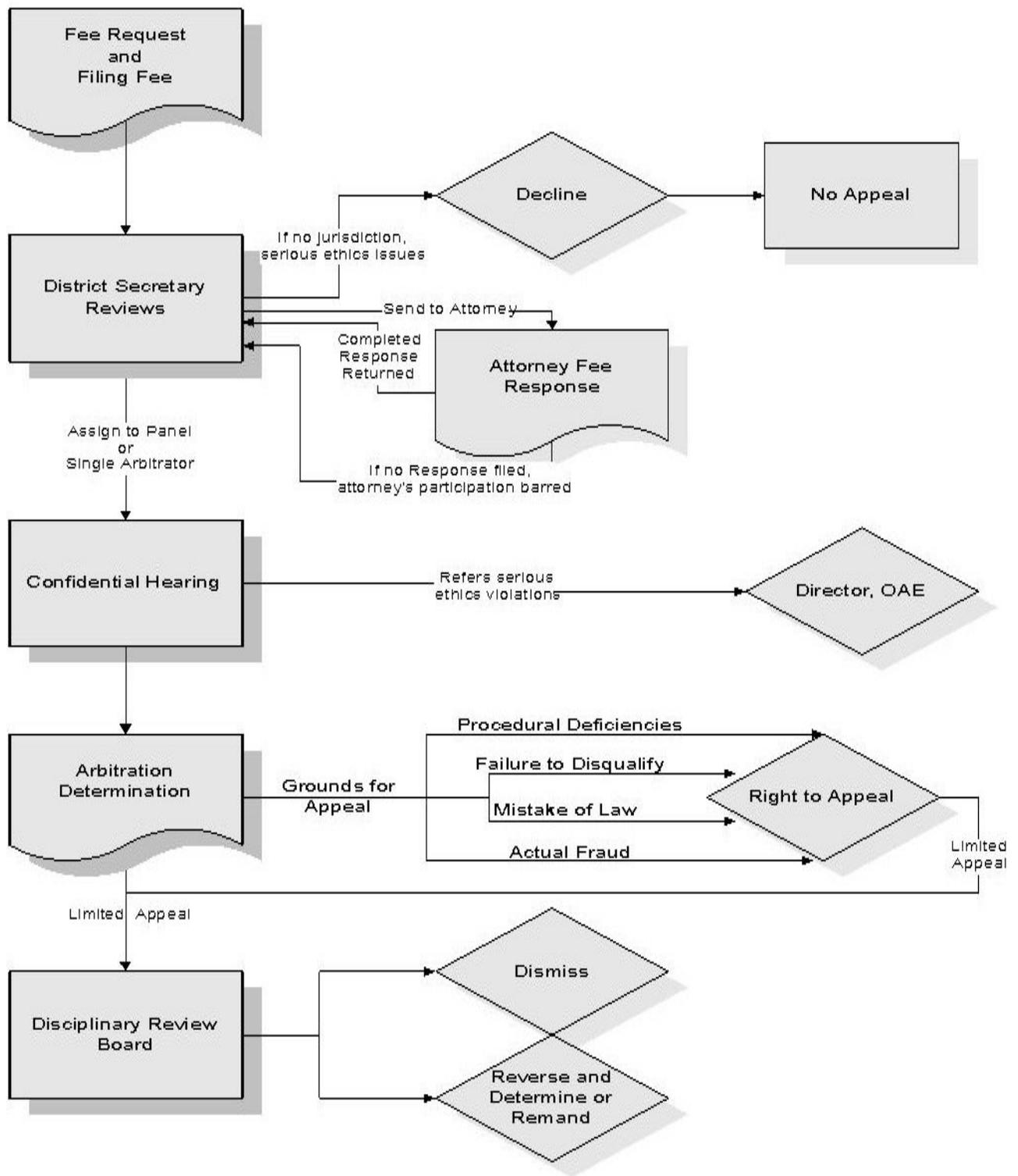


Figure 30

THE HEARING

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 and public participation in the decision-making process is a particular strength of the 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 Fee 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, either before or during a hearing. After a request for fee arbitration is 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 of the arbitration hearing, while waiting for their case to be called. If a case is amicably resolved by the parties, they are asked to complete a Stipulation of Settlement form and return it to the Fee Committee secretary. The benefit of executing this settlement form is that it is a binding document that preserves the rights of either party to enforce the settlement in the event one of them fails to comply with the terms of the agreement.

LIMITED APPEALS

A limited right of review by the Review Board is provided (**Figure 30**). 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 Fee Committee to substantially comply with substantial procedural requirements; 3) actual fraud on the part of any member of the Fee 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 CASELOAD

Fee Committees handled a total of 1,549 disputes over lawyers' fees in 2006. That total consisted of 554 matters carried over from 2005 and 987 new filings. For the second time in the last five years, the fee arbitration system disposed of fewer cases than were added. As a result, the number of cases pending at year's end increased from 554 last year to 607 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 Fee Committees remains at a manageable level of 35.7 cases per district. Fee Committees are served by over 190 volunteer attorneys and public members. Their work is coordinated and administered by the OAE, aided by a statewide computer database that tracks all fee cases.

The number of filings has shown a -20.1% decrease since 2002 when a total of 1,246 new fee matters were docketed. However, 2006 was the first year in the last five in which fee filings increased. A total of 987

new filings were received this year, a slight increase of 0.6% (**Figure 31**). The overall 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)*, which authorizes the fee secretary to resolve all questions of jurisdiction at the time a fee request is filed before docketing. Rather than accepting filing fees and docketing matters of questionable jurisdiction, only to have these matters later dismissed by the Fee Committee for that reason, the fee secretaries are pro-active in exercising their jurisdictional review function under this rule. This was not always the case.

Changes In Fee Disputes

Year	Filings	Change	Overall
2006	987	0.6%	-20.8%
2005	981	-6.7%	
2004	1,119	-7.1%	
2003	1,157	-3.3%	
2002	1,246	---	

Figure 31

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. Over the past five years, domestic relations matters (including matrimonial, support and custody cases) have consistently generated the most fee disputes. **Figure 32**. During this period, an average of just under 40% (39.5%) of all fee disputes filed arose out of this type of practice. Historically, family actions have always ranked first, 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 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

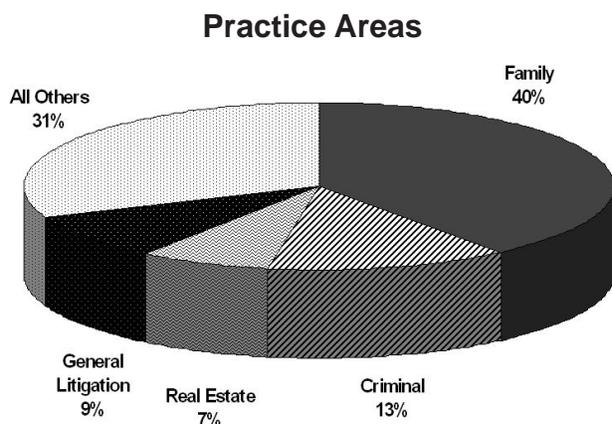


Figure 32

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)* 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. On average, criminal cases accounted for over 13.4% of all fee disputes filed. As with Matrimonial cases, contingent fees are prohibited as a matter of policy in Criminal cases. Third place is filled by General Litigation at 8.9%. Real Estate matters at 7.1% comes in fourth place. All other practice types accounted for 31.1% of fee dispute filings (including such areas as Contract cases, Estates, Bankruptcy and Negligence matters).

CASELOAD AGE

Almost six and one-half out of every ten (64.2%) fee disputes disposed of (934) in 2006 had an average age of less than 180 days. **Figure 33.** This figure is a drop from last year (70.8%). The percent of the oldest cases (i.e. those over one year old) increased this year at 11.3% versus 9.8% in 2005. Cases in the mid range - from 6 to 12 months of age - increased slightly from 19.4% last year to 24.5% in 2006. The overall average disposed age decreased from 172 days in 2005 to 160 days in 2006. At the end of calendar year 2006, there were a total of 607 cases pending. This compares to 554 matters at the conclusion of 2005.

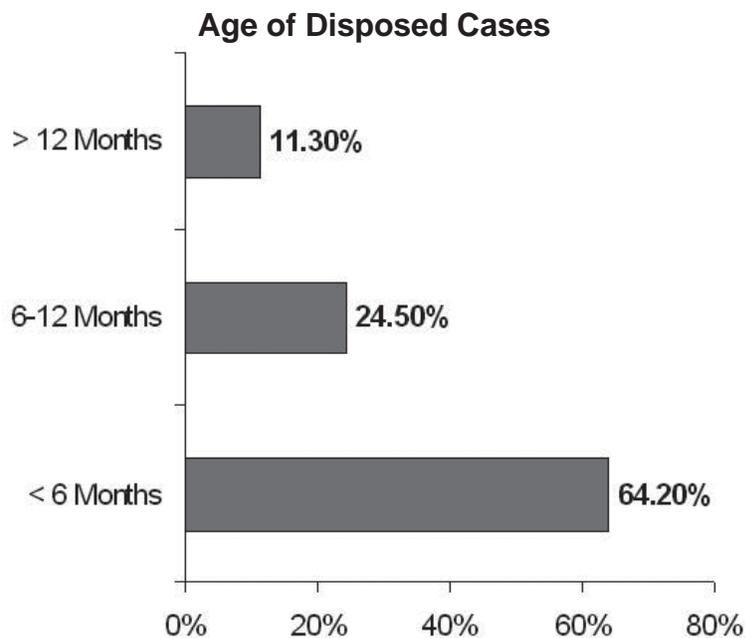


Figure 33

SUMMARY

Fee Arbitration is a process that is being used effectively by lawyers and clients who have disagreements over the reasonableness of legal fees. In 2006, 987 new fee disputes were filed against New Jersey attorneys. This number represents only 1.56% of the active New Jersey lawyer population (63,275). 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, the number of fee arbitration filings is a very small percentage of the total attorney-client transactions.

DISTRICT FEE COMMITTEES

The New Jersey fee arbitration system depends on volunteer attorney and public members who serve on 17 regionalized Fee Committees. As of September 1, 2006 there were over 190 members of district committees serving pro bono across the state. Following is a list of members who served on the Court's Fee Committees for 2006-2007:

	Term Expires		Term Expires
DISTRICT I		DISTRICT IIB	
(Atlantic, Cape May, Cumberland and Salem Counties)		(South Bergen County)	
Secretary: Michael A. Pirolli of Bridgeton		Secretary: Michael J. Sprague of Hackensack	
Robert C. Litwack, Chair of Bridgeton	2006	Ira C. Kaplan, Chair of Hackensack	2006
Michele C. Verno, Vice Chair of Northfield	2007	Daniel P. McNerney, Vice Chair of Hackensack	2007
Karen Williams of Atlantic City	2006	David M. Kohane of Hackensack	2006
Elaine B. Frick of Pleasantville	2007	Irwin S. Markowitz of Englewood Cliff	2006
Michael M. Mulligan of Carneys Point	2007	Peter V. Moore of Wood Ridge	2006
Kim Bloomer of Pleasantville	2008	Menelaos W. Toskos of Hackensack	2006
Marian E. Haag of Bridgeton	2008	Alice W. Meehan of Hackensack	2007
Braun D. Littlefield of Atlantic City	2008	Janell W. Weinstein of Hackensack	2007
Michael J. Mackler of Atlantic City	2008	Ronald M. Abramson of Hackensack	2008
Renee G. Malamut of Linwood	2008	William J. Bailey of Westwood	2008
Dorothy F. McCrosson of Ocean City	2008	Edward S. Kiel of Hackensack	2008
Christine T.J. Tucker of Galloway Township	2009	Iryna Lomaga Carey of Hackensack	2009
Daniel J. Young of Ocean City	2009	Carmine Lo Faro of Hackensack	2009
Al Gutierrez of Somers Point	2006	Mary Ann T. Stokes of Saddle Brook	2009
Kathy Arrington of Atlantic City	2006	Peter A. Michelotti of Fair Lawn	2006
Joan L. Clarke of Tuckerton	2006	Suzanne DePuyt of Mahawah	2007
John M. Bettis of Pleasantville	2006	Rosario J. Lazzaro of Cresskill	2007
Catherine J. Arpino of Vineland	2007	Robert Boyle of Hackensack	2008
Joseph Abbott, Jr. of Pleasantville	2008	Joseph A. Harris of Teaneck	2008
Paul S. Cooper of Bridgeton	2008	Steven Frimmer of Ridgefield Park	2008
Maureen Somers of Northfield	2009	Joseph A. Harris of Teaneck	2008
		Paul Berberich of Cresskill	2009
DISTRICT IIA		DISTRICT IIIA	
(North Bergen County)		(Ocean County)	
Secretary: Terrence J. Corrison of Hackensack		Secretary: Lisa E. Halpern of Toms River	
Dennis W. Blake, Chair of Montvale	2006	Terry F. Brady, Chair of Toms River	2006
Anne C. Skau, Vice Chair of Ridgewood	2007	Maria A. Stork, Vice Chair of Forked River	2007
Robert E. Landel of Franklin Lakes	2006	Philip G. Pagano of Red Bank	2006
Colin M. Quinn of Westwood	2006	Michael T. Wolf of Toms River	2006
Russel B. Teschon of Midland Park	2006	Linda S. Reinheimer of Toms River	2006
Lawrence A. Joel of Ordell	2006	Claire M. Calinda of Toms River	2007
Frank LaRocca of Glen Rock	2006	Joel A. Davies of Toms River	2007
Debra F. Schneider of Glen Rock	2007	Natalie Pouch of Toms River	2010
Margaret S. Sullivan of Ridgewood	2008	Charles W. Bowden of Smithville	2006
Evelyn J. Marose of West Orange	2009	E. Kevin Mosely of Lakewood	2008
Douglas D. Messieno of Ridgewood	2009	Patricia Speck of Shrewsbury	2008
Deborah P. Pico of Fair Lawn	2009	James M. Waters of Lakewood	2010
David Torchin of Hackensack	2009		
Joseph Tedeschi of Fair Lawn	2006	DISTRICT IIIB	
Betty Williams of Teaneck	2007	(Burlington County)	
Alexander P. Adler of Cliffside Park	2008	Secretary: Christopher R. Musulin of Mt. Holly	
Jeffrey Hering of Montvale	2008	Donald N. Elsas, Chair of Moorestown	2006
Philip J. Weiler, Jr. of Ridgewood	2008	Beth Ann Burton, Vice Chair of Maple Shade	2007
Mary Eisenberg of Woodcliff Lake	2009	Carolyn V. Chang of Mt. Holly	2006
		Patricia A. Barasch of Moorestown	2007
		Jeremy D. Countess of Moorestown	2008

	Term Expires
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 Mt. Laurel	2006
Kathleen Sweeney of Roebling	2007

**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
-------------------------------------	------

	Term Expires
Peter J. Vazquez, Jr., Vice Chair of Florham Park	2007
Bruce Levitt of South Orange	2006
Stewart M. Leviss of West Orange	2007
Domenic D. Toto of Roseland	2007
Cheryl H. Burstein 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
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 Jersey City	2006
Bryan Blaney of Roseland	2007
Sherry Gale Chachkin of Nutley	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
Raymond Bulin of Union City	2008
Lisa Terlizzi of Weehawken	2009

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

Term Expires

James J. Byrnes of Union	2008
Edward P. Ruane of Springfield	2008
A. John Blake of Westfield	2010
Linda E. Mallozzi of Union	2010
Stephen H. Schechner of Millburn	2010
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
Scott Schmedel of Mountainside	2010

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
Joanne Byrnes of Flemington	2007
Lisa J. Pezzano-Mickey of Bridgewater	2008
Robert G. Wilson of Somerville	2008
Bonita Burke of Hackettstown	2010
Anthony J. Del Piano of Pittstown	2010
Katherine Esposito Howes of Raritan	2010
Rahim A. Munir of Washington	2010
Dorothy . Pesaniello of Phillipsburg	2006
Marjorie L. Rand of Martinsville	2006
Andrae Wood of Lebanon	2007
James T. Cusak of Watchung	2010

**CHARACTERISTICS
of the
BAR 2006**

Chapter Five



“(T)he principal reason for discipline is to preserve the confidence in 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)

INTRODUCTION

This chapter is based on responses to the annual Attorney Registration Statement. Data for the 2006 report was compiled as of October 26 2006.

YEAR ADMITTED TO NEW JERSEY BAR

As of October 26 2006, the attorney registration database counted a total of 79,640 admitted attorneys. Almost 55% were admitted since 1991, 33% admitted between 1976 -1990. Looked at another way, 74% of New Jersey attorneys (55,945) were admitted to practice since 1986.

Breakdowns by periods are as follows: 1950 and earlier - 527 (0.66%); 1951-1960 - 1,264 (1.59%); 1961-1970 - 3,421 (4.30%); 1971-1980 - 10,037 (12.60%); 1981-1990 - 21,082 (26.47%); 1991-2000 - 28,428 (36.70%); and 2001-2006 - 14,881 (18.69%).

Year Admitted

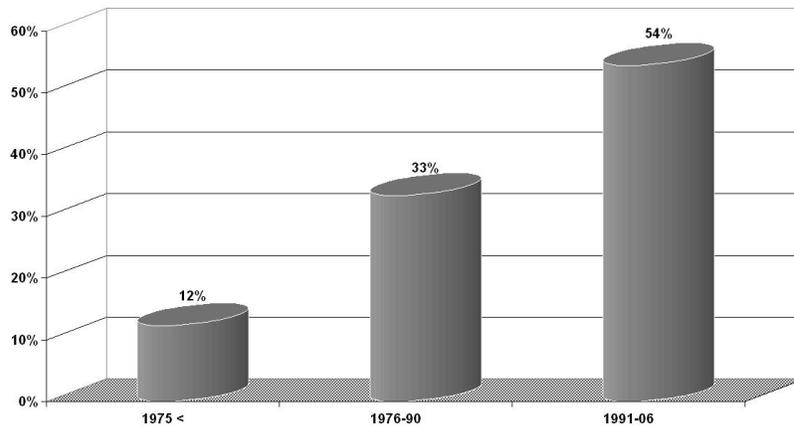


Figure 34

ATTORNEY AGE

Of the 79,640 attorneys for whom some registration information was available, 74,146 (93.1%) provided their date of birth. No response to this question was made by 5,494 attorneys (6.9%).

The largest group of attorneys was those in the 40–49 age range, which comprised over thirty percent (30.42%, or 22,554) of all admitted attorneys. The 30-39 year category was comprised of 28.31%, or 20,993, lawyers. Almost twenty-two percent (21.87%, or 16,216) were between the ages of 50-59. The fewest attorneys were in these age groups: 29 and under (5.44%, or 4,034), followed by 60-69 (9.47%, or 7,025) and 70 and greater (4.48%, or 3,324).

Attorney Age

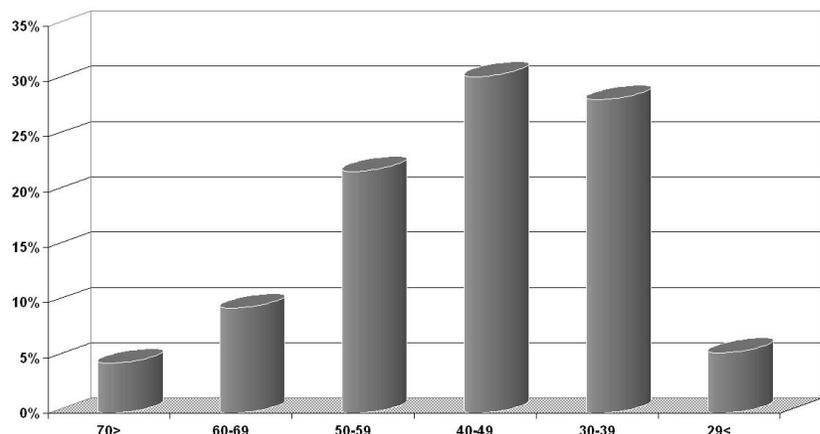


Figure 35

ADMISSIONS IN OTHER JURISDICTIONS

Two-thirds (67.39%) of the 79,640 attorneys for whom some registration information was available were admitted to the bars of other jurisdictions, while one-third (32.61%) were admitted only in New Jersey.

Additional Admission Totals

Admissions	Attorneys	Percent
Only In New Jersey	25,969	32.61%
Additional Jurisdictions	53,671	67.39%
Totals	79,640	100.00%

Figure 36

Other Jurisdictions Admitted

Jurisdiction	Admissions	Percent	Jurisdiction	Admissions	Percent
New York	30,240	44.16%	Vermont	83	0.12%
Pennsylvania	19,266	28.13%	Nevada	82	0.12%
District of Col.	5,640	8.24%	West Virginia	76	0.11%
Florida	2,745	4.01%	South Carolina	67	0.10%
California	1,414	2.06%	Rhode Island	64	0.09%
Connecticut	1,217	1.78%	Oregon	61	0.09%
Massachusetts	1,201	1.75%	Hawaii	59	0.09%
Maryland	1,005	1.47%	Kentucky	58	0.08%
Virginia	560	0.82%	New Mexico	52	0.08%
Illinois	541	0.79%	Alabama	42	0.06%
Texas	440	0.64%	Virgin Islands	40	0.06%
Delaware	403	0.59%	Kansas	38	0.06%
Georgia	399	0.58%	Oklahoma	37	0.05%
Colorado	375	0.55%	Iowa	37	0.05%
Ohio	354	0.52%	Puerto Rico	31	0.05%
Michigan	244	0.36%	Arkansas	23	0.03%
North Carolina	226	0.33%	Mississippi	20	0.03%
Arizona	205	0.30%	Utah	19	0.03%
Minnesota	138	0.20%	Alaska	18	0.03%
Missouri	127	0.19%	Montana	15	0.02%
Maine	114	0.17%	Idaho	12	0.02%
Washington	108	0.16%	South Dakota	10	0.01%
Wisconsin	106	0.15%	North Dakota	8	0.01%
Louisiana	105	0.15%	Guam	2	0.00%
Tennessee	92	0.13%	Nebraska	0	0.00%
Indiana	90	0.13%	Wyoming	0	0.00%
New Hampshire	88	0.13%	Invalid Answers	83	0.12%
			Total	68,480	100.00%

Figure 37

PRIVATE PRACTICE OF NEW JERSEY LAW

Of the 79,640 attorneys on whom registration information was tabulated, 32,775 stated that they engaged in the private practice of New Jersey law. Over four in ten attorneys (41.15%) engaged in the private practice of New Jersey law, while not quite six in ten (58.85%) did not practice in the private sector.

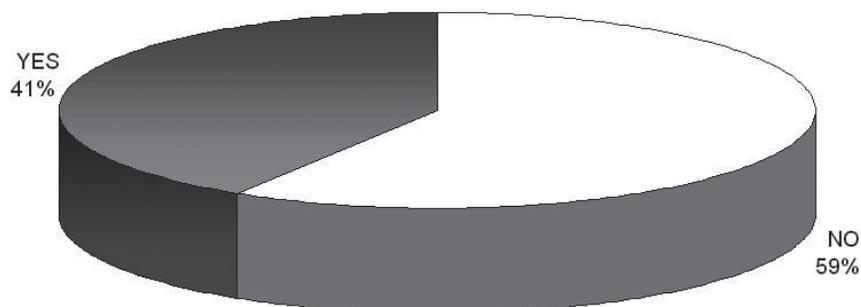
Of those who engaged in the private practice of New Jersey law, almost two-thirds (64.88%) practiced full-time, just over twenty percent (21.64%) rendered legal advice part-time and about ten percent (9.98%) engaged in practice occasionally (defined as less than 5 % of their time). About three percent (3.49%) of responses were unspecified.

New Jersey Private Practice

Response	Number	Percent
NO	46,865	58.85%
YES	32,775	41.15%
Full-time	21,266	
Part-time	7,093	
Occasionally	3,272	
Unspecified	1,144	
Totals	79,640	100%

Figure 38

Percent In Private Practice



STRUCTURE OF PRIVATE LAW FIRMS

Of the 32,775 attorneys who indicated they were engaged in the private practice of New Jersey law, 97.2% (31,869) provided information on the structure of their practice. Over one-third (33.93%) of the responding attorneys practiced in sole proprietorships (sole practitioners (9,962) plus sole stockholders (852)). The next largest group was associates (28.88%), followed by partners (25.80%), other than sole stockholders (5.86%), and attorneys who were of counsel (5.53%).

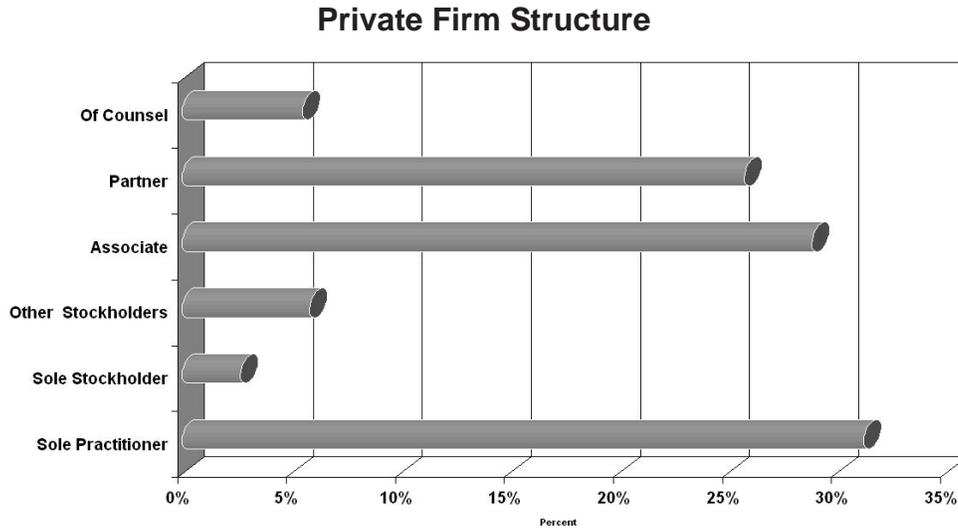


Figure 39

SIZE OF PRIVATE LAW FIRMS

Of the 32,775 attorneys that they were engaged in the private practice of New Jersey law, 99.2% (32,515) responded by indicating the size of the law firm of which they were a part. Almost one-third (32.61%, or 10,604) said they practiced alone; 10.13% (3,294) worked in two-person law firms; 15.89% (5,167) belonged to law firms of 3-5 attorneys; 27.23% (8,854) were members of law firms with 6-49 attorneys and 14.14% (4,596) worked in firms with 50 or more attorneys.

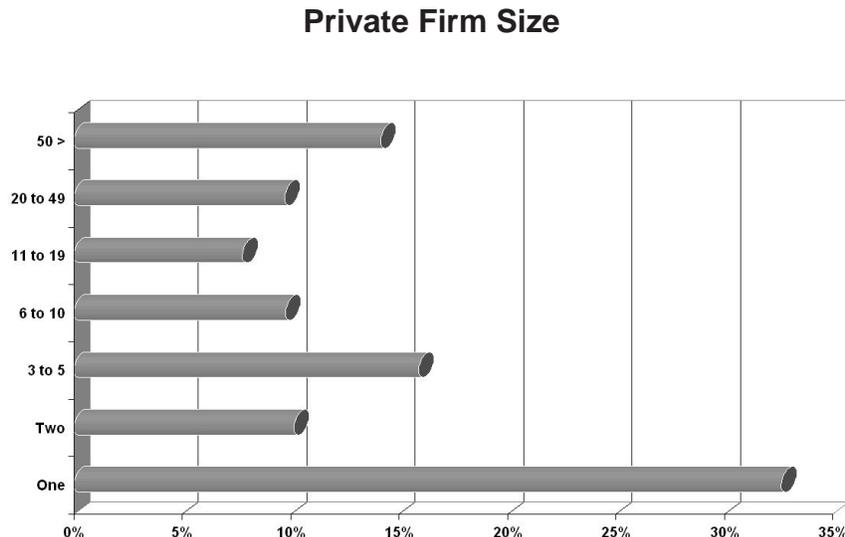


Figure 40

NUMBER OF PRIVATE LAW FIRMS

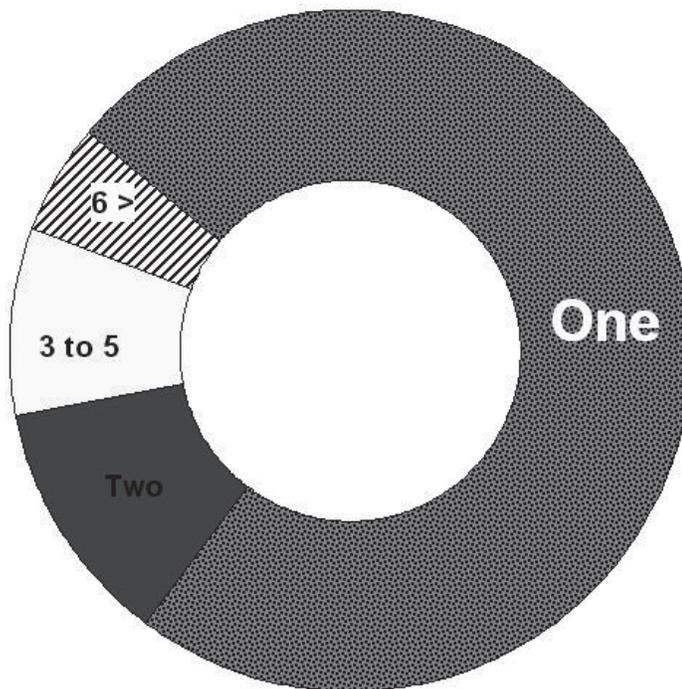
No exact figures on the number of law firms that engage in the private practice of New Jersey law exist. Nevertheless, a reasonably accurate estimate can be made based on the 32,775 attorneys who indicated they engaged in the private practice of New Jersey law. A total of 32,515 (99.2%) indicated the 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 (74.21%) were single practice firms, while just 5.22% had 6 or more attorneys.

Number of Firms

Size Of Firms	Number Of Attorneys	Firm Size Midpoint	Number Of Firms	Category %
One	10,604	1	10,604	74.21%
Two	3,294	2	1,647	11.53%
3 to 5	5,167	4	1,292	9.04%
6 to 10	3,170	8	396	2.77%
11 to 19	2,527	15	168	1.18%
20 to 49	3,157	35	90	0.63%
50 >	4,596	50	92	0.64%
Totals	32,515		14,290	100.00%

Figure 41

Percent of Law Firms



BONA FIDE PRIVATE LAW OFFICE LOCATIONS

Of the 32,775 attorneys who indicated they were engaged in private practice of New Jersey law, 94.45% (30,956) had bona fide offices within New Jersey, while 5.55% (1,819) had offices located in other jurisdictions: Pennsylvania 2.8% (918), 2.5% New York (804), Delaware less than 1% (13) and various other United States jurisdictions represent 0.3% (84).

Bona Fide Private Office Locations

State	Number	Percent
New Jersey	30,956	94.45%
New York	804	2.45%
Pennsylvania	918	2.80%
Delaware	13	0.04%
Other	84	0.25%
Totals	32,775	100%

Figure 42

Of the 30,956 attorneys engaged in private practice of New Jersey law from within this state, 94.12% (30,849) indicated the New Jersey County in which their primary bona fide office was located, while 115 did not. Essex County housed the largest number of private practitioners with 17.40% (5,385), followed by Camden County with 12.66% (3,919). Bergen County was third at 12.14% (9,757) and Morris County was fourth with 9.75% (3,019).

New Jersey Bona Fide Private Law Offices

County	Number	Percent	County	Number	Percent
Atlantic	658	2.13%	Middlesex	2,039	6.59%
Bergen	3,757	12.14%	Monmouth	1,845	5.96%
Burlington	1,276	4.12%	Morris	3,019	9.75%
Camden	3,919	12.66%	Ocean	757	2.45%
Cape May	200	0.65%	Passaic	885	2.86%
Cumberland	190	0.61%	Salem	62	0.20%
Essex	5,385	17.40%	Somerset	958	3.09%
Gloucester	386	1.25%	Sussex	217	0.70%
Hudson	1,078	3.48%	Union	1,620	5.23%
Hunterdon	334	1.08%	Warren	187	0.60%
Mercer	2,069	6.68%	No County Listed	115	0.37%
Totals			30,956	100.00%	

Figure 43

GLOSSARY

GLOSSARY

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 “minor” unethical conduct has been committed. *R.1:20-3(i)(2)(B)*.

Appeal - the right of a grievant, a respondent or the OAE to seek reconsideration from the Review Board of a decision to dismiss after investigation or hearing.

Censure - an order or opinion of the Court that condemns an attorney for unethical conduct. It is more serious than a reprimand.

Complaint - the document filed after investigation meeting the standard of *R.1:20-4(a)* that formally charges a respondent with specific violations of unethical conduct.

Court - the Supreme Court of New Jersey.

Director - the Director of the Office of Attorney Ethics.

Disability Inactive Status - a non-disciplinary sanction that is based on an attorney’s mental or physical disability that determines an attorney is unable to practice law. *R.1:20-12*.

Disbarment - an order and injunction by the Court prohibiting an attorney from practicing law in this state. All disbarments are permanent.

Disciplinary Review Board (Review Board) - the statewide board (composed of attorneys and public members) that reviews all recommendations for discipline of a respondent. The Review Board’s decision is further reviewed by the Court, which imposes all discipline, except that the Board may issue letters of admonition.

Discipline by Consent - a procedure whereby a respondent may agree to admit facts constituting unethical conduct in exchange for a recommendation for specific discipline or a range of discipline, subject to approval by the Review Board. *R.1:20-10(b)* and *R.1:15(g)*.

Dismissal - a finding that a respondent did not commit unethical conduct.

Diversion - a non-disciplinary treatment for “minor” unethical conduct. Diversion is accomplished through an “Agreement in Lieu of Discipline.” *R.1:20-3(i)(2)(A)* and *(B)*.

Ethics Committee - a group of volunteer attorneys and public members appointed by the Court whose members serve to investigate, prosecute and adjudicate grievances, which are docketed by the committee secretary. There are 17 district ethics committees.

Ethics Counsel - an OAE attorney. *R.1:20-2(a)*.

Fee Arbitration Committee - a group of volunteer attorneys and public members appointed by the Court whose members serve on hearing panels to decide disputes between attorneys and clients over legal fees. There are 17 district fee arbitration committees (**Chapter 4**).

Grievance - any allegation of unethical conduct made against an attorney that is docketed by a district ethics secretary or the OAE and 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.

Inquiry - any written communication to a district ethics or fee committee. Some inquiries are not necessarily grievances, but requests for information.

Investigation - a factual review and legal analysis of evidence that is collected by an attorney member of a district ethics committee or the OAE.

Minor Unethical Conduct - a form of diversionary treatment for those minor offenses, which, if proved, would not warrant discipline greater than an admonition. *R.1:20-3(i)(2)*.

Office of Attorney Ethics (OAE) - the full-time component of the discipline system, consisting of attorneys, investigators and auditors. The OAE investigates serious, complex and emergent grievances and administers the entire discipline system.

Panel Chair - the leader of a three person panel 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. *R.1:20-4(g)(1)*.

Random Audit Program - a program that randomly selects private practice law firms for audit of their attorney trust and business accounts to insure compliance with mandatory record keeping rules and practices required by the Court (**Chapter 3**).

Reinstatement - the process by which a formerly suspended attorney is restored to practice. Since disbarment is permanent in New Jersey, there is no procedure for reinstatement by disbarred attorneys. *R.1:20-21*.

Reprimand - an order or opinion of the Court that reproofs an attorney for unethical conduct. A reprimand is a more serious than an admonition and less serious than a censure.

Respondent - the attorney charged in a grievance or formal complaint.

Rules of Professional Conduct (RPC's) - rules adopted by the Court that set forth detailed ethical standards by which the actions of New Jersey attorneys are judged.

Sanction - the form of discipline imposed on attorneys, including disbarment, disbarment by consent, revocation, suspension, censure, reprimand, admonition and disability-inactive status.

Special Ethics Master - a single attorney or judge who presides over a hearing based on charges set forth in a formal complaint that are deemed complex in nature.

Suspension - an order by the Court prohibiting an attorney from practicing law, usually between 3 months to 3 years, but which may be imposed for an indeterminate period (5 years or an indefinite period). No suspended attorney can practice again until reinstated.



Office of Attorney Ethics