

**Disciplinary Review Board
of the
Supreme Court of New Jersey**



**Annual Report
2020**

Johanna Barba Jones
Chief Counsel

DISCIPLINARY REVIEW BOARD
OF THE
SUPREME COURT OF NEW JERSEY

HON. MAURICE J. GALLIPOLI, A.J.S.C. (RET.), CHAIR
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PETER PETROU, ESQ.
EILEEN RIVERA



RICHARD J. HUGHES JUSTICE COMPLEX
P.O. BOX 962
TRENTON, NEW JERSEY 08625-0962
(609) 815-2920

JOHANNA BARBA JONES
CHIEF COUNSEL

TIMOTHY M. ELLIS
DEPUTY COUNSEL

BARRY R. PETERSEN, JR.
DEPUTY COUNSEL

JESSICA A. CALELLA
ROCCO J. CARBONE, III
KATHRYN ANNE WINTERLE
ASSISTANT COUNSEL

ASHLEY KOLATA-GUZIK
ASSOCIATE COUNSEL

June 2, 2021

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey:

I am pleased to submit to the Court the 2020 Annual Report of the Disciplinary Review Board. In 2020, the Board resolved 369 matters and transmitted to the Court ninety-four decisions in disciplinary cases. Credit for that performance, and the continuity of the Board's work product, is due and owing to the work of my esteemed predecessor, Chief Counsel Ellen A. Brodsky, who retired from state service at the end of 2020.

The final year of Ms. Brodsky's tenure posed the unprecedented challenge of the COVID-19 pandemic. On March 17, 2020, the Office of Board Counsel capably transitioned to predominantly remote work. Although the Board was required to cancel its March and April 2020 meetings, the Office of Board Counsel created procedures for the Board to commence remote oral argument in May 2020. Those procedures included test meetings designed to accommodate and train attorneys inexperienced in the setting of a virtual courtroom, so that they could successfully advocate for their clients.

The Office of Board Counsel also encountered staff attorney shortages, which Deputy Counsel addressed by handling numerous cases for the Board's disposition. Despite the challenges of 2020, the work of the Board continued, undeterred, in accordance with the letter and spirit of the Court's Omnibus Orders.

The Board's incoming case volume in 2020 was atypically low, with only 351 matters docketed, a 23% drop from the record-breaking 472 cases docketed in 2019. This temporary diminution in volume is directly attributable to impacts of the pandemic

and the temporary suspension of R. 1:20-6 initial disciplinary hearings for a portion of 2020.

The Board looks forward to continuing its fair and expeditious resolution of disciplinary cases in 2021 and remains committed to fulfilling its duties as established and directed by the Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Johanna Barba Jones". The signature is written in a cursive, flowing style.

Johanna Barba Jones
Chief Counsel

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The Disciplinary Review Board of the Supreme Court of New Jersey (the Board) like all governmental agencies, faced unprecedented challenges during 2020. As will be discussed in detail below, through the hard work of the Board Members, the Office of Board Counsel (the OBC), and the talented OBC staff, the Board remained steady in its cost-collection, and quality case disposition in the face of the adverse effects of the Covid-19 pandemic.

HISTORY OF THE BOARD

The Board serves as the intermediate appellate level tribunal of the attorney disciplinary system in this state. The district ethics committees investigate, prosecute, and recommend discipline in most disciplinary matters. The Office of Attorney Ethics (the OAE) oversees the districts and exercises statewide jurisdiction over complex and emergent matters. In some cases, the Supreme Court appoints special masters to hear disciplinary matters. The Board reviews all recommendations for discipline from the districts and from special masters. The Board's decisions as to discipline are final in all cases, subject to the Supreme Court's confirming order, except those decisions recommending disbarment. In contrast, the Board's determinations of appeals from dismissals of ethics grievances and of appeals from Fee Arbitration Committee determinations are final, with no judicial recourse.

The Supreme Court created the Board in 1978 and the OBC in 1984. In mid-1994, the Supreme Court eliminated all private discipline and made public all disciplinary proceedings subsequent to the filing and service of a formal complaint.

From 1994 through February of 2020, the Board’s monthly hearings were held in the Supreme Court courtroom in the Richard J. Hughes Justice Complex. Consistent with the New Jersey Supreme Court’s Omnibus Orders,¹ the March and April hearings were canceled, although the Board did convene in April to deliberate upon matters that did not require oral argument. The Board held its May 21, 2020 hearing remotely via Zoom, and continued to hold remote hearings and deliberations for the balance of 2020.

As part of the disciplinary system, the Board is funded exclusively by the annual assessments paid by all New Jersey attorneys. In 2020, New Jersey attorneys admitted in their fifth to forty-ninth year of practice were assessed \$212 to fund various components of the disciplinary system. Attorneys in their third and fourth years of practice were assessed \$183. Attorneys in their second year of admission were assessed \$35. Attorneys in their first year of admission and attorneys practicing fifty or more years are not charged a fee.

¹ The New Jersey Supreme Court tolled and rendered equivalent to a legal holiday the period between March 16 and May 10, 2020. New Jersey Supreme Court, “Omnibus Order on COVID-19 Issues” (March 27, 2020) at ¶8; New Jersey Supreme Court, “Notice and Order – COVID-19 – Second Omnibus Order on Court Operations and Legal Practice – More Operations To Be Conducted Remotely; Limited Discovery Extensions and Tolling Periods” (April 24, 2020) at ¶8; New Jersey Supreme Court, “Notice and Order – COVID-19 – Third Omnibus Order on Court Operations and Legal Practice” (May 29, 2020) at ¶3.

All Board members are volunteers; however, the OBC staff is professional. The 2020 budget for the disciplinary system, as approved by the Supreme Court, allocated \$2,287,089 to cover salaries and benefits for OBC employees and an additional \$174,950 to cover the Board's operating costs.

BOARD FUNCTIONS

The Board reviews disciplinary and fee cases de novo on the record, with oral argument at the Board's discretion. The Board's practice is to hear oral argument on all cases in which a district ethics committee² or a special master issues a report recommending discipline greater than an admonition. At the conclusion of oral argument, the Board privately decides the appropriate outcome of each case, voting for either dismissal of the complaint or for the imposition of one of several forms of discipline: admonition, reprimand, censure, a term of suspension, or disbarment. Occasionally, the Board will remand a matter for further proceedings. The OBC then prepares a formal decision for the Board's review. Upon the Board's approval, the decision is filed with the Supreme Court.

In addition to discipline, the Board may impose certain conditions or restrictions, such as proctorship; course requirements; proof of fitness certified by a

² References to district ethics committees include the Committee on Attorney Advertising, which considers "all ethics grievances alleging unethical conduct with respect to advertisements and other related communications" R. 1:19A-4(a).

mental health practitioner; periodic submissions of trust account reconciliations; annual audits of trust account records; disgorgement of unearned fees; establishment or continuation of psychological/substance abuse treatment; and the requirement that an attorney practice under the supervision of another attorney. In some instances, the Board may require community service.

In matters where the Board recommends disbarment, the Supreme Court automatically schedules oral argument. In all other instances, the Board's determination that discipline is warranted is deemed final, subject to the attorney's or the OAE's right to file a petition for review. Occasionally, the Supreme Court, on its own motion, schedules oral argument in non-disbarment cases.

When a district ethics committee recommends an admonition, the Board reviews the matter on the written record, without oral argument. If an admonition is appropriate, the Board issues a letter of admonition without Supreme Court review. Alternatively, the Board may schedule the matter for oral argument, if it appears that greater discipline is warranted, or may dismiss the complaint. R. 1:20-15(f)(3) allows the Board to issue a letter of admonition, without Supreme Court review, in those cases where a district ethics committee or a special master recommends a reprimand, but the Board determines that an admonition is the more appropriate form of discipline.

When an attorney has been convicted of a crime, or has been disciplined in another jurisdiction, the OAE will file with the Board a Motion for Final Discipline

(R. 1:20-13(c)) or a Motion for Reciprocal Discipline (R. 1:20-14), respectively. Following oral argument, receipt of briefs, and the Board's deliberation, the OBC prepares a formal decision for the Board's review and, after approval, the decision is filed with the Supreme Court. The same post-decision procedures governing cases heard by a district ethics committee or a special master apply.

Under R. 1:20-10, motions for discipline by consent are filed directly with the Board, without a hearing below. Discipline by consent is not plea bargaining, which is not permitted in disciplinary matters. In such motions, the parties stipulate to the unethical conduct, the specific Rules of Professional Conduct violated, and the level of discipline required by precedent. Following the Board's review of the motion on the written record, it may either grant the motion and file a letter-decision with the Supreme Court or deny the motion and remand the case to the district ethics committee or to the OAE for appropriate action.

If an attorney fails to timely file a verified answer to a formal ethics complaint, the district ethics committee or the OAE certifies the record directly to the Board for the imposition of discipline. R. 1:20-4(f)(2). The Board treats the matter as a default. If the attorney files a motion to vacate the default, the Board will review the motion simultaneously with the default case. If the Board vacates the default, the matter is remanded to the district ethics committee or to the OAE for a hearing. Otherwise, the Board will proceed with the review of the case on a default basis, deeming the

allegations of the complaint admitted. R. 1:20-4(f)(1). A formal decision is thereafter filed with the Supreme Court.

A disciplinary matter may also come to the Board in the form of a disciplinary stipulation. In these cases, the attorney and the ethics investigator jointly submit a statement of the attorney's conduct and a stipulation specifying the Rules of Professional Conduct that were violated. The Board may accept the stipulation and impose discipline by way of formal decision filed with the Supreme Court, or it may reject it and remand the matter either for a hearing or for other appropriate resolution.

In addition, the Board reviews cases, pursuant to R. 1:20-6(c)(1), in which the pleadings do not raise genuine disputes of material fact, the respondent does not request to be heard in mitigation, and the presenter does not request to be heard in aggravation. In those cases, the Board reviews the pleadings and a statement of procedural history in determining the appropriate sanction to be imposed.

The Board also reviews direct appeals from grievants who claim that a district ethics committee improperly dismissed their grievance after an investigation, or improperly dismissed their complaint after a hearing, and from parties (both clients and attorneys) to fee arbitration proceedings who contend that at least one of the four grounds for appeal set out in R. 1:20A-3(c) exists.

Further, the Board reviews Petitions for Reinstatements, filed pursuant to R. 1:20-21, by attorneys who have been suspended from the practice of law by the Supreme Court. Typically, the Board considers these petitions without the necessity

of oral argument and issues a recommendation to the Supreme Court regarding whether the attorney should be permitted to return to the practice of law.

Additionally, the Board also reviews, pursuant to R. 1:20-9, requests for the release of confidential documents in connection with a disciplinary matter, and requests for protective orders to prohibit the release of specific information. Finally, the Board considers Motions for Temporary Suspension filed by the OAE, in accordance with R. 1:20-15(k), following an attorney's failure to comply with a fee arbitration determination or a stipulation of settlement. In those cases, the Board recommends to the Supreme Court whether the attorney should be temporarily suspended until the fee and any monetary sanction imposed are satisfied.

BOARD MEMBERSHIP

The Board comprises nine members appointed by the Supreme Court who serve, without compensation, for a maximum of twelve years (four three-year appointments). Three appointees are nonlawyer, public members; one member is customarily a retired judge of the Appellate Division or of the Superior Court; the remaining five members are attorneys. In 2020, the Board was chaired by Bruce W. Clark, Esq., and Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.), served as Vice-Chair. During 2020, the Board had the benefit of all nine members continuing their service:

Chair, Bruce W. Clark, Esq.

Mr. Clark, of Hopewell, is a partner at Clark Michie, LLP in Princeton. Mr. Clark concentrates in corporate and complex civil litigation, including consumer class action and mass tort defense. He was a member of the District VII Ethics Committee and was appointed to the Board in April 2008. Mr. Clark is a graduate of the University of Virginia and the George Washington University National Law Center, where he served on the Law Review.

Vice-Chair, Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.)

Judge Gallipoli, of Mountainside, was appointed to the Board in 2012 to fill the unexpired term of Judge Reginald Stanton and then to a full term in his own right thereafter. He served in the judiciary for 25 years, from 1987 to 2012, when he reached the mandatory retirement age for Superior Court judges. He served as the Presiding Judge, Civil Part, Hudson County for many years and was the Assignment Judge for the Hudson vicinage for the last eight years of his judicial service. He is currently associated with the firm of Porzio, Bromberg & Newman, P.C., in Morristown, in an “of counsel” capacity.

Peter J. Boyer, Esq.

Mr. Boyer, of Cherry Hill, is a partner in the firm of Hyland Levin Shapiro LLP. He concentrates his practice on commercial and business litigation matters and pre litigation counseling with respect to commercial disputes. Mr. Boyer was appointed to the Board in 2015. He previously served as a member, Vice-Chair and Chair of the District IV Ethics Committee, and presently serves as a member of the American Law Institute and of the Business Torts and Unfair Competition Committee of the Section of Litigation of the American Bar Association. Mr. Boyer regularly lectures on the topic of Ethics and Professional Responsibility. He is a graduate of the University of Pennsylvania and the Georgetown University Law Center, where he served as an editor of the American Criminal Law Review.

Thomas J. Hoberman, CPA

Thomas J. Hoberman, CPA/ABV/CFF, of Princeton, was appointed to the Board in November 2013. A graduate of the University of Maryland, Mr. Hoberman is the partner in charge of the Forensic and Valuation Services Department at the advisory, tax and audit firm WithumSmith+Brown.

Regina Waynes Joseph, Esq.

Regina Waynes Joseph, of West Orange, is a solo practitioner at Regina Waynes Joseph Attorney at Law. Her practice concentrates in labor and employment related litigation; corporate; not for profit; civil rights; and entertainment law. Ms. Joseph is also an Arbitrator for FINRA and other panels, Certified Federal Mediator, U.S. District Court of New Jersey, and Civil Mediator, Superior Court of New Jersey. Ms. Joseph was appointed to the Board in 2018, after serving as a member of the District VC Ethics Committee; member, Vice-Chair, and Chair of the District VC Fee Arbitration Committee; member of the Supreme Court Committee on Complementary Dispute Resolution; and, member of the Supreme Court Committee on Minority Concerns. She is a past President of the Garden State Bar Association and previously served as a member of the Board of Governors of the National Bar Association. Ms. Joseph received her B.A. from the College of Mount Saint Vincent, M.A. from Columbia University, and J.D. from Rutgers University School of Law – Newark.

Peter Petrou, Esq.

Peter Petrou, of Parsippany, was appointed to the Board in April 2019, following previous appointments as a special ethics master, a member of the Unauthorized Practice of Law Committee, and a member and former Chair of the District X Ethics Committee. Upon graduation from Duke Law School, where he was a member of the Duke Law Review, Mr. Petrou clerked for the Honorable Leo Yanoff, J.S.C. Mr. Petrou primarily practiced in the area of complex commercial litigation and commercial transactions. He also served as a court-appointed mediator and arbitrator for commercial disputes. His clients included many approved private schools for the developmentally disabled, leading to his current position as the Executive Director of ECLC of New Jersey, with administrative responsibility for its receiving schools, adult day programs, and agency providing job placement, supported employment, and support coordination services.

Eileen Rivera

Eileen Rivera, of Belleville, was appointed to the Board in June 2014. A Rutgers-Newark graduate, she is a career social worker and is employed in the Juvenile Justice system. Prior to her appointment to the Board, Ms. Rivera was a member of the District VB Ethics Committee, for four years, serving as its designated public member.

Anne C. Singer, Esq.

Anne C. Singer, of Cherry Hill, is a solo practitioner at the Law Office of Anne C. Singer. Her practice focuses on commercial litigation, federal criminal defense, and appeals. Ms. Singer was admitted to the New Jersey Bar in 1973, and was appointed to the Board in November 2013, after serving on the District IIIB Ethics Committee. She served as an Assistant United States Attorney in the civil and criminal divisions of New Jersey's U.S. Attorney's Office from 1978 to 1990, clerked for Justice Robert L. Clifford of the Supreme Court of New Jersey, is past Chair of the State Bar Association's Criminal Law Section, and is a member of the New Jersey Law Journal Editorial Board and was for fourteen years until December 2020 a member of the Supreme Court's Advisory Committee on Professional Ethics. Ms. Singer is a graduate of the University of Chicago (B.S.), University of Alabama (M.S.), and University of Cincinnati Law School, where she was editor-in chief of the law review.

Robert C. Zmirich

Robert C. Zmirich, of Mount Laurel, was appointed to the Board in April 2009. A graduate, with honors, of the U.S. Naval Academy, he is President of Insurance Review Service, a diversified financial services and insurance firm. Prior to his appointment to the Board, Mr. Zmirich was a member of the District IIIB Ethics Committee, for four years, serving as its designated public member.

OFFICE OF BOARD COUNSEL

The OBC functions as a clerk's office (docketing, case processing, calendaring, distribution, and document storage), in-house counsel to the Board (providing legal research and legal advice to the Board), and a cost assessment and collection agency (assessing administrative and actual costs, collecting payments, and enforcing assessments by filing judgments and seeking temporary suspensions for non-payment). During 2020, OBC maintained continuity of operations during predominantly remote work, consistent with the Court's Omnibus Orders and the Judiciary's policies.

In 2020, the OBC comprised eight attorneys (Chief Counsel, two Deputy Counsels, and five Assistant Counsel); one information technology analyst; one administrative supervisor; two administrative specialists; one court services officer; one technical assistant; and three secretaries. One secretary retired in late 2020 and the position remained vacant at year's end. Upon retirement of one seasoned Assistant Counsel, the position was downgraded by the Administrative Office of the Courts to an Associate Counsel position that was posted, but not yet filled, at year's end. Of the four Assistant Counsel on staff, one had seventeen years of experience with the office, and the other three had a pooled experience of four years with the office. As earlier noted, Chief Counsel Ellen A. Brodsky retired at the end of the year; following an anticipatory posting of that position, Johanna Barba Jones was selected to fill that position, effective January 4, 2021.

Since 1991, the OBC has furnished pre-hearing memoranda to the Board in serious disciplinary cases, motions for consent to discipline greater than an admonition, and matters (such as defaults) containing novel legal or factual issues. To provide greater assistance to the Board's case review function, this policy was modified. In mid-2003, the OBC began supplying the Board with memoranda on all matters scheduled for consideration, except motions for temporary suspension. These extremely detailed memoranda set out the facts relevant to the issues raised; the applicable law; a pertinent analysis of both; and a recommendation of the appropriate level of discipline.

CASELOAD INFORMATION

The Board carried 193 matters into January 2020, seventy-seven more than it carried into 2019. See Figure 1. By December 31, 2020, all but one of the 193 matters had been resolved. That matter had been deliberately held for consideration with another matter involving the same respondent. See Figure 2.

One hundred seventy-five matters were pending on December 31, 2020: forty presentments (23%); seven stipulations (4%); thirty-five defaults (20%); eight admonitions (4.6%); eight motions for discipline by consent (4.6%); seventeen motions for final discipline (9.7%); nineteen motions for reciprocal discipline (11%); twenty-six fee and ethics appeals (15%); four R. 1:20-6(c)(1) matters (2.3%), and five miscellaneous matters (3%). See Figures 1, 2 and 3.

During calendar year 2020, the OBC docketed 351 matters for review by the Board, 121 fewer than in 2019, and the lowest number of docketed cases in more than twenty years. The number of ethics appeals decreased in 2020: forty-nine appeals were filed in 2020, while 105 were filed in 2019. The number of fee appeals filed in 2020 also decreased: fifty-five fee appeals were docketed in 2020, compared to ninety fee appeals docketed in 2019. Admonition filings decreased slightly: nineteen were docketed in 2020, while twenty-six were docketed in 2019. OBC attributes the reduced filing activity to the pandemic.

In all, the Board resolved 369 of the 544 matters carried into or docketed during calendar year 2020 – a disposition rate of 68%. See Figure 4.

In 1995, the Court set specific time frames for disposition of matters at all levels of the disciplinary system. At the appellate level, pursuant to R. 1:20-8(c), recommendations for discipline are to be resolved within six months of the docket date, while all ethics and fee arbitration appeals have a three-month resolution time goal. See Figure 5.

Fee appeal processing times remained consistent with the time goals in 2020. Disposition times for other case types generally continued to increase, a trend that has existed from 2018 forward. This trend is attributed to a core staff shortage, staff leaves, the inexperience of median staff, and a vacancy following the retirement of a career Assistant Counsel. While the OBC adapted admirably to remote work, the pandemic was a contributing factor to the elongation of disposition times in this particular year.

BOARD ACTION

Discipline

In 2020, the Board rendered dispositions in thirty-eight presentments, fourteen stipulations, eleven motions for reciprocal discipline, and ten motions for final discipline. The Board decided fifteen motions by consent for the imposition of discipline greater than an admonition.

Of the thirty-seven defaults resolved by the Board, seven were administratively dismissed (three due to service deficiencies; three due to the withdrawal of the certification of the record; and one due to respondent's death), and one was remanded to the OAE for further action after the Board granted the attorney's motion to vacate the default.

The Board reviewed twenty-three admonition matters in 2020. Of these, fourteen resulted in letters of admonition after review on the papers; and nine were treated as presentments. In addition, the Board resolved four motions for imposition of admonition by consent, by way of three letters of admonition and one remand to the OAE for further action.

The Board also reviewed and resolved sixteen motions for temporary suspension; fifteen petitions for reinstatement; three R.1:20-6(c)(1) matters; and nineteen miscellaneous matters.

Appeals

The Board considered 151 appeals in 2020, forty-four fewer than in 2019. Of the eighty-one ethics appeals reviewed in 2020, the Board remanded four cases (5%) to the district ethics committees for further action. The 2020 percentage of remand on ethics appeals was lower than the 10.5% experienced in 2019.

The rate of remand for fee appeals was significantly higher than for ethics appeals in 2020: of the seventy fee appeals reviewed, the Board remanded nineteen

cases (27%) to the district fee arbitration committees, a rate much higher than the 12.2% experienced in 2019. The reasons for fee remand varied: thirteen for palpable mistakes of law, three for procedural errors, and three to correct the determination. In addition to these nineteen remands, one matter was settled between the parties and administratively dismissed.

SUPREME COURT ACTION

In 2020, the OBC transmitted to the Supreme Court ninety-four formal decisions in presentments, stipulations, motions for final discipline, motions for reciprocal discipline, R. 1:20-6(c)(1), and default matters. In addition to those decisions, fifteen recommendations on petitions for reinstatement, five recommendations on motions for temporary suspension, and ten determinations on motions for discipline by consent were sent to the Supreme Court.

Of the ninety-four formal decisions, the Supreme Court agreed with the Board's determination in 92.3% of the sixty-five cases for which it issued final orders in 2020. In three matters, the Supreme Court determined to impose greater discipline. In two matters, the Supreme Court determined to impose lesser discipline. See Figure 6.

COLLECTION OF ADMINISTRATIVE COSTS

The Board uniformly assesses administrative costs in all discipline cases, including admonitions. The Supreme Court's final order of discipline generally includes a requirement that the respondent pay the administrative costs of the action to the Disciplinary Oversight Committee. Since the adoption of R. 1:20-17 in 1995, administrative costs have included a flat charge for basic administrative costs, ranging from \$650 to \$2,000 per case, depending on the case type, plus disciplinary expenses actually incurred, such as payments made by the disciplinary system for transcripts, court reporter services, file reproduction costs, and other out-of-pocket expenditures.

The OBC assesses and collects costs and, in certain cases, monetary sanctions, on behalf of the Disciplinary Oversight Committee. R. 1:20-17 provides various avenues of recourse for collection when an attorney fails to pay assessed costs, including temporary suspension and entry of judgment. By the end of 2020, the OBC was current with cost assessment in every case in which the Supreme Court ordered costs to be paid. In 2020, the Supreme Court accepted consents to disbarment in nine matters unrelated to Board cases. Nevertheless, OBC assessed and began the collection process for Court-ordered costs in those matters, pursuant to R. 1:20-17.

During calendar year 2020, the OBC assessed disciplined attorneys a total of \$483,992 and collected \$351,460; the latter number represented costs that were assessed in 2020 and prior years. This amount was \$48,929 less than the \$400,389

collected in 2019, but an improvement over 2017 (\$334,844) and 2018 (\$330,624). The cost coordinator's success resulted from a policy-based focus on working with attorneys to help them meet their obligation to pay disciplinary costs. As a result, an increased number of payments were made by attorneys on payment plans. Specifically, the Office of Board Counsel collected 225 payments in connection with payment plans in 2020 (67% increase compared to 2019), contributing to 406 total payments collected (25% increase compared to 2019).

The OBC did not file any motions for temporary suspension in 2020 against attorneys who failed to satisfy cost obligations. Payments totaling \$20,874 were received from attorneys who were contacted and warned that a motion for their temporary suspension was imminent. In 2020, seventy-three judgments were filed totaling \$188,046. Payments totaling \$2,364 were received toward these judgments. Payments made toward judgments that were filed in 2020 and prior years totaled \$25,596.

The OBC also processes and collects payments of monetary sanctions that the Board imposes on respondents, typically when the OAE files a motion for temporary suspension to enforce a fee arbitration award. The Board imposed nine such sanctions in 2020, totaling \$4,500. Payments totaling \$1,500 were received to satisfy three of those sanctions.

CONCLUSION

During calendar year 2021, the Board will continue to make every effort to manage its caseload both qualitatively and quantitatively. The Board will continue to be guided by the Court's Orders concerning court operations and in-person public hearings. The Board strives for the prompt and fair disposition of all matters before it in order to effectively serve the primary goals of the attorney disciplinary process – protection of the public and maintenance of public confidence in the bar.

FIGURE 1

DRB ANNUAL ACTIVITY REPORT					
January 1, 2020 To December 31, 2020					
Case Type	Carried	Docketed	Total	Disposed	Pending
Admonition/Presentment	4	8	12	5	7
Admonition	10	19	29	23	6
Appeal/Presentment	2	2	4	3	1
Consent to Admonition	1	5	6	4	2
Consent to Discipline	3	20	23	15	8
Consent to Disbarment/Costs	0	10	10	10	0
Default	32	40	72	37	35
Ethics Appeal-Post Hearing	4	0	4	4	0
Ethics Appeal	41	49	90	77	13
Fee Appeal	28	55	83	70	13
Motion for Final Discipline	8	19	27	10	17
Motion for Medical Examination	0	3	3	3	0
Motion for Reciprocal Discipline	7	23	30	11	19
Motion for Temporary Suspension	0	19	19	16	3
Miscellaneous	9	15	24	19	5
Petition for Restoration	0	18	18	15	3
Presentment	30	32	62	30	32
<u>R. 1:20-6(c)(1)</u>	1	6	7	3	4
Stipulation	13	8	21	14	7
Totals	193	351	544	369	175

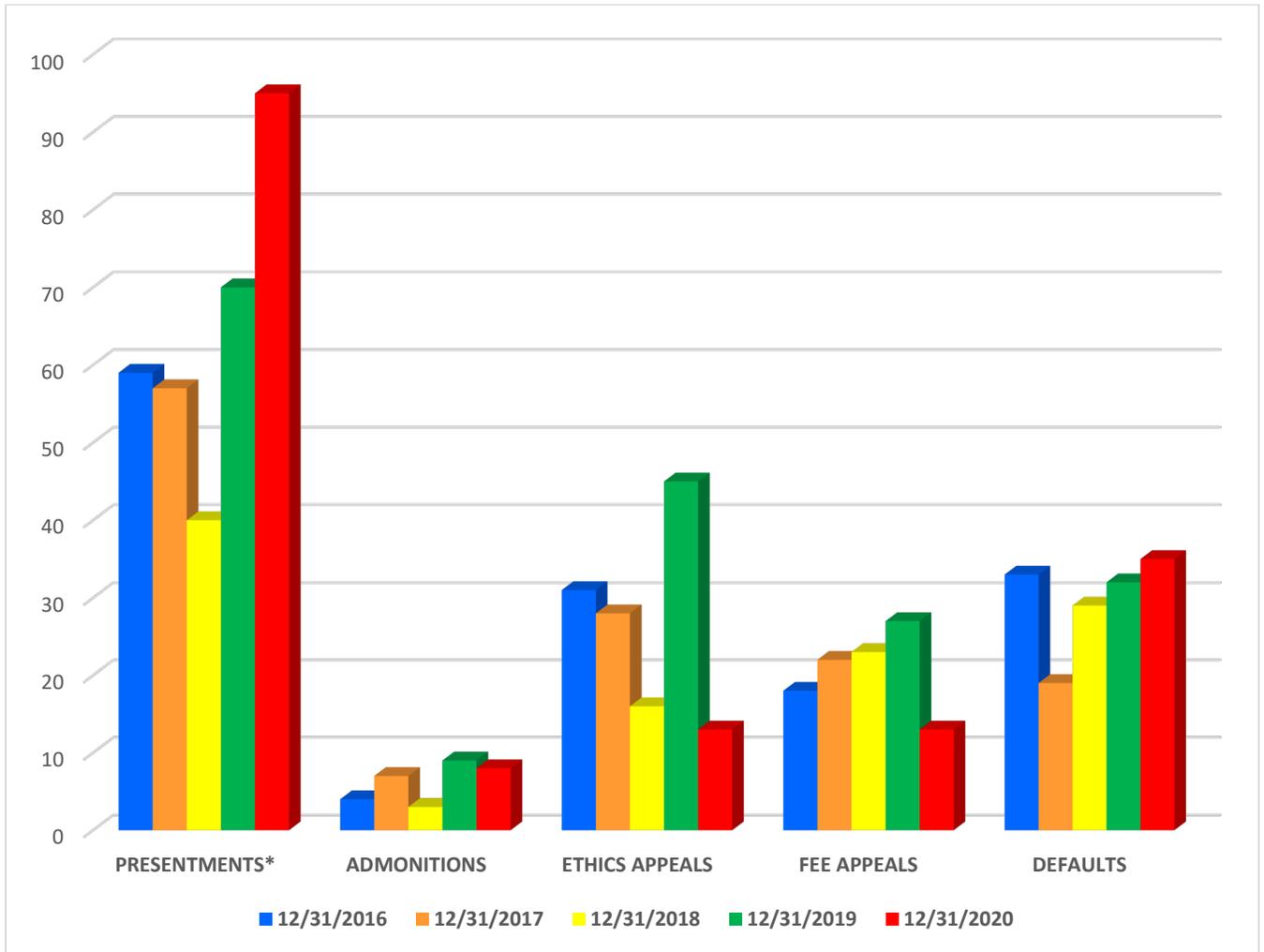
FIGURE 2

AGE OF PENDING DRB CASES – BY CASE TYPE				
as of December 31, 2020				
Case Type	2020	2019	Prior	Total Pending
Admonition	8	0	0	8
Consent to Discipline	8	0	0	8
Default	34	1	0	35
Ethics Appeal	13	0	0	13
Fee Appeal	13	0	0	13
Motion for Final Discipline	17	0	0	17
Motion for Reciprocal Discipline	19	0	0	19
Motion for Temporary Suspension	3	0	0	3
Miscellaneous	5	0	0	5
Petition for Reinstatement	3	0	0	3
Presentment	40	0	0	40
<u>R. 1:20-6(c)(1)</u>	4	0	0	4
Stipulation	7	0	0	7
Totals	175	1	0	175

FIGURE 3

COMPARATIVE DRB CASELOAD ANALYSIS

Pending from 12/31/2016 to 12/31/2020



* “Presentments” includes Presentments, Stipulations, Motions for Final Discipline, Motions for Reciprocal Discipline, Consents to Discipline, Remand, and R. 1:20-6(c)(1) matters. There were no Remands in 2020.

FIGURE 4

ANNUAL DISPOSITION RATE OF DRB CASES					
2016 – 2020					
YEAR	CARRIED	DOCKETED	TOTAL	DISPOSED	DISPOSITION RATE
2016	133	443	576	424	73.6%
2017	155	456	611	473	77.4%
2018	138	428	566	451	80%
2019	116	472	588	396	67.3%
2020	193	351	544	369	68%

FIGURE 5

AVERAGE RESOLUTION TIMES FOR DRB CASES						
(IN MONTHS)						
<u>R. 1:20-8(c)</u>		2017	2018	2019	2020	
Discipline:						
Presentments	6	6.6	4.6	5.9	8.8	
MFD	6	6.9	5	7	7	
MRD	6	6.4	5.6	6.9	9	
Defaults	6	6	5.3	6.3	7.6	
Consents	6	2.7	3	3.2	3.5	
Stipulations	6	5.9	5.5	6	8.3	
<u>R. 1:20-6(c)(1)</u>	6	6.9	5.3	7	8.3	
Remands	6	-	2.7	2.8	-	
Admonitions:						
Standard	6	2.9	2.9	3.2	4	
By Consent	6	2.6	3	2.9	3.7	
Appeals:						
Ethics Appeals	3	2.8	3	3	5.3	
Fee Appeals	3	2.9	3.5	3.15	3.6	
Other:						
MTS	-	1	1.7	1.4	1.9	
Petitions to Restore	-	1.3	1.3	1	1.3	

FIGURE 6

**2020 DISCIPLINE COMPARISONS
DRB & NEW JERSEY SUPREME COURT**

SUPREME COURT DISCIPLINE GREATER THAN DRB DECISION		
ATTORNEY	DISCIPLINARY REVIEW BOARD DECISION	SUPREME COURT ACTION
Keith Smith	Two-year suspension	Disbar
Thomas Whitney	Two-year suspension	Disbar
Samuel Jackson	Six-month suspension, retroactive	One-year suspension, retroactive

SUPREME COURT DISCIPLINE LESS THAN DRB DECISION		
ATTORNEY	DISCIPLINARY REVIEW BOARD DECISION	SUPREME COURT ACTION
Christopher Campos	Disbar	Three-year suspension
Ihab Ibrahim	Three-month suspension	Censure

SUPREME COURT RESOLUTION OF SPLIT DECISION		
ATTORNEY	DISCIPLINARY REVIEW BOARD DECISION	SUPREME COURT ACTION
Nelson Gonzalez	Censure (3); Three-Month Suspension (3)	Censure