

# DISCIPLINE SANCTIONS AND ACTIONS

Disciplinary sanctions imposed by the Supreme Court of New Jersey on Garden State lawyers increased slightly by 3% in 2001 to 204 from 198 sanctions in 2000. Since 1997, total disciplinary sanctions (final plus emergent) have been hovering above 200. **Figure 1.**

Disbarments decreased by 32% this year from a near record high of 46 in 2000 to 31 this year. At the same time, the number of suspensions from practice increased by 36%, from 44 in 2000 to 60 in 2001. The number of reprimands issued in 2001 also increased by 12.5%, from 48 last year to 54 this year. Admonitions increased by 29% from 24 in 2000 to 31 in

2001. There were 3 disability inactive orders in 2001. None were imposed in 2000.

The number of attorneys finally disciplined by the Supreme Court increased from 162 in 2000 to 180 in 2001. When combined with the number of emergent actions (such as temporary suspensions, temporary license restrictions and transfers to disability inactive status) taken by the Court against attorneys – 36 in 2000 vs. 24 in 2001 – a total of 204 attorneys were sanctioned in 2001 compared to last year's total of 198.

The 2001 numbers are in line with the number imposed over the most recent 5-year period. During 1999, 198 Garden State practitioners received disciplinary sanctions (162 final sanctions and 36 emergent actions). In 1998, an overall total of 185 attorneys were disciplined (160 final sanctions and 25 emergent actions). The prior year, 1997, tied with 1999 as a record year, with a total of 239 attorneys again being disciplined (207 final sanctions and 32 emergent actions).

## Five-Year Sanction Trend

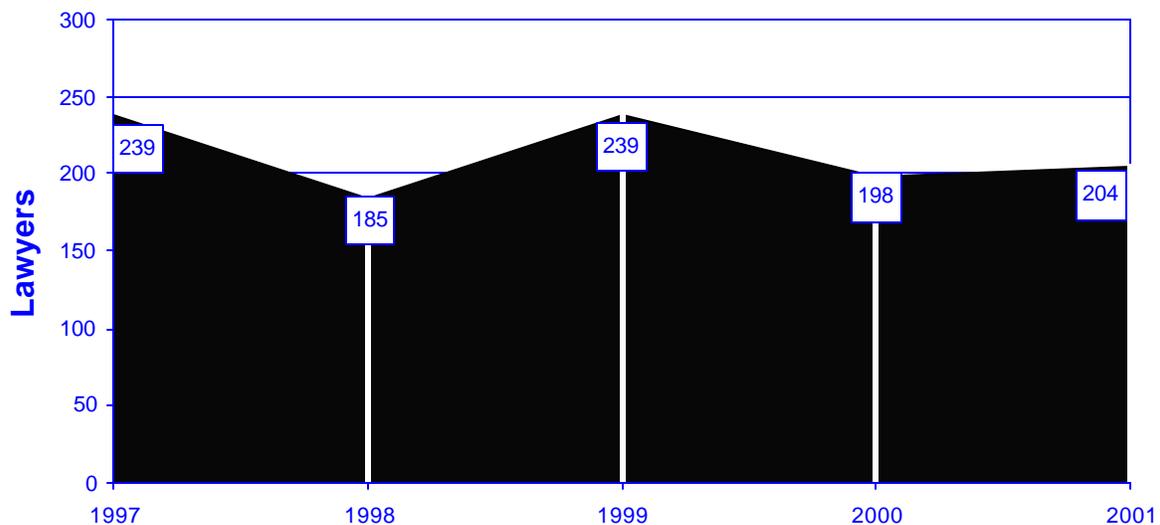


Figure 1

## RELATED DISCIPLINARY ACTIONS

NATURE OF ACTION	AUTHORITY	FREQUENCY
Contempt of Supreme Court Prosecutions	Rule 120-16(j)	2
Diversinary Actions	Rule 1:20-3(i)	
Monitoring Actions	Rule 1:20-18	
Reinstatement Proceedings	Rule 1:20-21	13
Bar Admission/Character Committee Cases	Rules 1:23 & 25	13
<b>TOTAL ACTIONS</b>		<b>123</b>

Figure 2

In addition to these disciplinary sanctions, the attorney disciplinary system also processed a significant number of other related disciplinary actions involving New Jersey attorneys. During the past year, the disciplinary system handled a total of 123 such actions. **Figure 2.**

Related disciplinary actions include disciplinary prosecutions for contempt of a Supreme Court order to cease practicing law. When disbarred and suspended attorneys disobey the Court's injunction to cease practicing law, the Office of Attorney Ethics has been successful in stopping them.

Diversinary actions, which usually include the imposition of conditions that must be satisfied, are authorized where an attorney commits "minor misconduct" that does not warrant discipline greater than an admonition. These matters require approval and special handling by the Office of Attorney Ethics until the diversinary conditions are successfully concluded.

In cases where the Supreme Court imposes discipline on an attorney, the Court often imposes "practice conditions" as a requirement for the right to continue to practice law. These conditions may include practice under the auspices of a supervising attorney, accounting reviews of trust and business account records, periodic drug testing, medical examinations,

completion of education courses and the like. The Office of Attorney Ethics also monitors these matters.

Suspended attorneys must first apply to be reinstated and cannot practice again until the Supreme Court has ordered them to be restored. All such applications are reviewed by the Office of Attorney Ethics, which makes a recommendation to the Disciplinary Review Board. The Review Board then evaluates the request and sends its recommendation to the Supreme Court for action.

The Office of Attorney Ethics is also designated by order of the Supreme Court to present all Orders To Show Cause to the Court arising out of Character Committee cases where there is some question as to whether or not an applicant has demonstrated the moral fitness requisite to be admitted to the practice of law in this state. Likewise, where there is evidence that a bar applicant has cheated in taking the bar examination, the matter is referred to the Office of Attorney Ethics for investigation and, if warranted, prosecution. Both Character Committee and Bar Examination cases are completely confidential and not subject to the same public access that applies under *R. 1:20-9* to attorney disciplinary proceedings.

A fuller explanation of all individual related disciplinary actions undertaken by the Office of Attorney Ethics appears later in this chapter.

The number of disciplinary sanctions imposed in a given year results from a number of factors. A major variable is the fact that each case is fact sensitive. In some cases the respondent fails to cooperate and the case proceeds quickly because no hearing is required. This may also be true where the attorney is persuaded to Consent to Disbarment during the investigative phase of the matter. More usually, cases are contested at all stages, including investigation, hearing, appellate review and at the final Supreme Court level. The cooperation of the attorney during the investigation, as well as the complexity of the matter, are also major factors. Another consideration is the continued increase in the New Jersey lawyer population, which multiplied more than 2.9 times, from 26,199 lawyers admitted in 1983 to 75,177 in 2001.

Another reason for the variance in the number of discipline sanctions/actions arises out of the major restructuring and improvements made in the attorney regulatory system over the past two decades. In 1983 the Supreme Court created the Office of Attorney Ethics

(OAE) as a professional agency to oversee and support the disciplinary effort statewide. The OAE's mission is also to handle the complex, serious and emergent cases that could not adequately be handled by volunteer district ethics committee members. During this same period, volunteer district ethics committees were also augmented and supported by attorney-secretaries, who receive annual stipends, called emoluments. The entire system was again improved in 1994, when full-time OAE investigators were added in several districts and a statewide ethics coordinator was hired at the Office of Attorney Ethics to monitor and assist district ethics committees. The OAE's staff was also increased to handle additional difficult and emergent matters.

Improvements made in 1994 also included targeted rule changes to make the system more responsive to problems of undue delay, including intentional delaying tactics by respondents. One important rule change mandates active cooperation by respondents during the investigation and hearing stages of disciplinary matters. The rules also provide for a waiver of hearing

## SUPREME COURT OF NEW JERSEY



From left to right, top row, Justice Jaynee LaVecchia, Justice Virginia Long, Justice Peter G. Verniero, Justice James R. Zazzali; bottom row, Justice Gary S. Stein, Chief Justice Deborah T. Poritz, Justice James H. Coleman, Jr.

and an admission of the charges if a respondent fails to file an answer to a formal complaint after proper service has been made. In such case, the record of the proceeding is "certified" directly to the Disciplinary Review Board for imposition of sanction. This new process streamlines the work of district ethics committees, which previously had to convene a hearing, call witnesses and issue a detailed report when a respondent failed to respond to a complaint. Now fully implemented, this process shows concrete results by reducing the time within which final discipline is imposed. Last year, final public discipline was imposed on 29 attorneys in this expedited fashion. A total of 9% of disbarments imposed by the Supreme Court (1 of 11) were accomplished via the certification process. Regarding suspensions, 60% (20 of 33) resulted from certification of the record. A total of 13% (7 of 52) of reprimands were certified. No admonitions were accounted for through certification. Overall, 16% of all disciplinary sanctions (29 of 180) were based on certified records. Disbarments by Consent (20) are not included in this calculation since they require a lawyer's active participation.

Finally, the Supreme Court created a number of proactive programs that have led to better detection of serious problems, in particular, offenses involving money. In 1981 the Random Audit Compliance Program (see Chapter 4) began subjecting law firms in private practice to accounting reviews to insure compliance with mandatory record keeping rules regarding clients' trust funds. The Court, in 1984, established the Trust Overdraft Notification Program, which required all law firms to maintain trust accounts only at approved trust account depositories. These approved depositories are required to report to the Office of Attorney Ethics whenever an attorney trust account check is presented against insufficient funds.

## **Final Discipline 2001**

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Generally, New Jersey attorneys are disciplined in one of two ways: final discipline or temporary, emergent discipline. All discipline is imposed by or under the auspices of the Supreme Court of New Jersey. The Supreme Court sits in Trenton, New Jersey at the Richard J. Hughes Justice Complex.

Discipline was imposed with finality on 180 Garden State attorneys during 2001 by the Supreme Court or, in the case of admonitions, by the Disciplinary Review Board. There are six primary forms that final

disciplinary sanctions may take: admonition, reprimand, disability-inactive status, suspension (for a definite or indefinite term), revocation and disbarment.

Disbarment may either be imposed by order of the Supreme Court or may be consented to by the attorney. Disbarment in New Jersey is virtually permanent, since reinstatement was granted in only three cases this century. *In re Wilson*, 81 N.J. 451, 456n.5(1979). Revocation of license is an annulment of the right to practice law. License revocation is imposed in limited circumstances, such as cases in which a lawyer is admitted to the New Jersey bar based on false or incomplete information contained in the application for admission to the bar. A suspension precludes an attorney from practicing law in the state for the period it is in force. During the term of suspension, the attorney may not be employed by another licensed attorney in any capacity, nor may the suspended attorney share office with a licensed attorney, even in a non-legal capacity. *R.1:20-16(h)*. Disability-inactive status is imposed where an attorney does not have the mental or physical capacity to practice law. 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. A reprimand is a censure imposed by order or opinion of the Supreme Court. An admonition is the least serious form of attorney discipline and is imposed either by letter of the Disciplinary Review Board or by order of the Supreme Court.

During 2001 there were 11 disbarments by opinion of the Court, 20 disbarments by consent of the respondent, 1 revocation, 60 final suspension, 54 reprimands, 31 admonitions and 3 transfers to disability inactive status.

While there were a number of interesting case developments during 2001, two of the most significant matters involved lawyers who were disciplined for failure to properly supervise their practices and personnel. In the 21<sup>st</sup> Century, supervision is a much talked about concept in the area of personnel management. There is good reason for this trend: effective management improves productivity and adds to the bottom line. For lawyers, supervision has dual implications. In addition to being good business, it is also a lawyer's ethical duty to supervise. Not only must lawyers pay attention to productivity and profitability, they also have an ethical duty to oversee their legal and non-legal personnel.

The primary duty on lawyer supervisors arises under Rule of Professional Conduct (RPC) 5.1, which states that:

#### **RESPONSIBILITIES OF A PARTNER OR SUPERVISORY LAWYER**

(a) Every law firm and organization authorized by the Court Rules to practice law in this jurisdiction shall make reasonable efforts to ensure that member lawyers or lawyers otherwise participating in the organization's work undertake measures giving reasonable assurance that all lawyers conform to the Rules of Professional Conduct.

(b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct

(c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if

(1) the lawyer orders or ratifies the conduct involved; or

(2) the lawyer having direct supervisory authority over the other lawyer knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Professional Conduct Rule 5.3 places the same duty on lawyers and law firms with respect to the firm's nonlawyer employees:

#### **RESPONSIBILITIES REGARDING NON-LAWYER ASSISTANTS**

With respect to a nonlawyer employed or retained by or associated with a lawyer:

(a) every lawyer or organization authorized by the Court Rules to practice law in this jurisdiction shall adopt and maintain reasonable efforts to ensure that the conduct of non-lawyers retained or employed by the lawyer, law firm or organization is compatible with the professional obligations of the lawyer.

(b) a lawyer having direct supervisory authority over the non-lawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if

(1) the lawyer orders or ratifies the conduct involved;

(2) the lawyer has direct supervisory authority over the person and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action; or

(3) the lawyer has failed to make reasonable investigation of circumstances that would disclose past instances of conduct by the non-lawyer incompatible with the professional obligations of a lawyer, which evidence a propensity for such conduct.

Finally, *RPC* 5.2 deals with the ethical responsibility of the firm's subordinate lawyers:

#### **RESPONSIBILITIES OF A SUBORDINATE LAWYER**

(a) A lawyer is bound by the Rules of Professional Conduct notwithstanding that the lawyer acted at the direction of another person.

(b) A subordinate lawyer does not violate the Rules of Professional Conduct if that lawyer acts in accordance with a supervisory lawyer's reasonable resolution of an arguable question of professional duty.

In the case of **Laurence A. Hecker** of Ocean County, an attorney's failure to supervise a non-lawyer employee, among other offenses, resulted in a six-month suspension from practice. *In re Hecker*, 167 *N.J. 5* (2001). His story is one of an attorney who failed to properly supervise and was twice burnt by the same employee. In 1994 a clerical employee named Parish stole \$15,000 from Hecker's trust account.

Almost simultaneously, Purish was arrested for bank robbery and served a five-year prison sentence. After an early release from prison in 1996, Purish convinced Hecker to give him a second chance and again hire him to do clerical duties in the law office. After being rehired, Purish not so surprisingly returned to the activity he knew well and, for a second time, improperly wrote out ten checks from an estate checking account maintained in Hecker's office and forged his signature as the administrator of the estate.

During testimony at the district ethics hearing, Hecker said he rehired Purish because he believed that Purish was entitled to a second chance. He noted that this was in keeping with state policy to give criminals who completed their sentences a fresh start. Respondent also testified that he only rehired Purish on the condition that he be prohibited from handling any financial accounts. Hecker said he instructed his secretary to keep all attorney trust and business account checkbooks and his own personal checkbook in a locked drawer. Apparently, respondent had forgotten about the estate account in question.

The Disciplinary Review Board, in an unpublished decision adopted by the Supreme Court in its order of suspension, found that respondent violated *RPC 5.3* as well as *RPC 1.15 (a)*. The Board's decision stated:

Purish's crimes involved theft from a trust account and bank robbery. Furthermore, Respondent was aware that Purish had a history of addiction to drugs and alcohol. By rehiring Purish, respondent placed his clients' funds at extreme risk. Even if respondent had remembered to tell his secretary to lock the Smith estate checkbook in her desk drawer, it was foreseeable that Purish could have forced the drawer or gained access to it while the secretary was away from her desk. Moreover, respondent's decision to rehire Purish was not based on any objective evidence that Purish had been rehabilitated. Rather, his decision was based merely on Purish's statement that he was a "changed person." Therefore, we find that respondent failed to safeguard his client's funds.

For the same reasons, we find that respondent also violated *RPC 5.3(a) and (b)*. Pursuant to *RPC 5.3(a) and (b)*, respondent had an obligation to make "reasonable efforts to ensure" that Purish's conduct was "compatible with the professional obligation of [respondent]." Having rehired Purish with knowledge of Purish's prior thefts, especially the theft of a trust account, respondent had a duty

to properly supervise him. Respondent failed to do so and his meager effort to protect clients' funds was unreasonable under the circumstances. Therefore, we find that respondent failed to properly supervise a nonlawyer employee, in violation of *RPC 5.3(a) and (b)*. [Decision at p. 11]

The Board also pointed out that the hiring of former criminals in a law office is not strictly banned by ethics rules:

In finding that respondent violated *RPC 1.15(a)* [failure to safeguard funds] in these circumstances, we do not intend to establish a per se rule that every attorney who hires a former prisoner runs afoul of the disciplinary rules. For example, an attorney could hire an individual who had been convicted of a crime that did not involve theft or similar offense and who had been rehabilitated. Conceivably, that individual could even be trusted, given proper evidence of rehabilitation, to deal with an attorney's trust account. [Decision at p. 10]

As bad as Hecker's judgment was, it paled by comparison to that of an Essex County attorney, **Dalwyn T. Dean**. Her case shows that neither love nor poor judgment is a defense to failure to prudently supervise an employee. Gross neglect of supervisory duties and misappropriation of clients' funds led to the ultimate punishment – disbarment. *In re Dean*, 169 N.J. 571 (2001).

Respondent Dean practiced criminal law. During her practice she came in contact with Gonzalo Camprubi-Soms, the director of a foundation known as Solon Legal Foundation, which provided assistance to individuals being released from prison. Soms himself had done time for real estate fraud. Respondent knew his history. Notwithstanding this knowledge, she hired him to run her office. She took no steps, however, to oversee his activities. She allowed him to have full control over her office and her practice. Even when trust account irregularities were brought to her attention by the Office of Attorney Ethics, she refused to believe that Soms had done anything wrong and took no action to investigate. Respondent testified that she had a crush on Soms. As a result, over a two-year period Soms stole over \$66,000 from at least eight clients. In many cases Soms thefts occurred when he wrote out checks on respondent's trust account, forged the payee's signatures and, after the checks were returned by the bank, altered the checks to make it seem

that they had been received and negotiated by the intended payees. Frequently his alterations included obliterating the account number of Soms' bank account on the reverse of the check and, in one case, tearing off the signature line from the check after respondent's bank returned it to Dean.

The Review Board, in an unpublished opinion adopted by the Supreme Court, concluded that respondent's conduct amounted to "willful blindness, particularly in the cases in which the thefts occurred after respondent had been warned about Soms (and) amounted to knowing misappropriation." [Decision at p. 53] The Board described Dean's conduct and culpability:

Here, respondent voluntarily and intentionally placed herself in a position in which she had no control over her office and over her client's matters. She viewed Soms as her "knight in shining armor" and permitted him to usurp her functions. Respondent may not now protest that she should not be held accountable for Soms' actions, of which she was allegedly oblivious. Even if respondent was unaware of Soms' thefts, she created the circumstances that allowed Soms to steal client funds. More importantly, however, she was forewarned by the OAE that Soms might be stealing her clients' funds. Even in the face of this warning, respondent continued to give Soms access to her trust account, enabling him to proceed with his scheme to pilfer her clients' funds." [Decision at pp. 46-47]

The Board summarized Dean's activities thusly:

The unfortunate picture that emerges from this record is one in which respondent totally deserted her clients. She turned her law practice over to Soms, a non-attorney and convicted felon. Respondent failed to protect her clients or their funds from Soms' greedy grasp. It is obvious from respondent's testimony that she did not even perform such perfunctory tasks as looking at her clients' files or returning their telephone calls. Her recordkeeping was virtually nonexistent. Respondent was content to allow Soms to run her law office. He answered her telephone, opened and sorted her mail, met with her clients, prepared correspondence, reviewed her trust account records and essentially functioned as her

associate/paralegal/office manager. Respondent exercised no supervision over Soms and placed no controls over his activities. She did not establish any procedures to monitor his actions. Although she knew that Soms had pleaded guilty to a felony charge of real estate fraud, she allowed him unrestricted access to her attorney bank accounts, thereby allowing him to steal her clients' funds. [Decision at p. 43]

A more general review of disciplinary sanctions imposed in 2001 demonstrates a broad variety of unethical conduct. **Sharon Hall** of Essex County was suspended for three months after being held in contempt by a judge for baselessly accusing her adversaries of being liars, maligning the court, refusing to abide by the court's instructions, intimating that there was a conspiracy between the court and defense counsel and making baseless racism charges against the court. Hall was temporarily suspended from practice on June 23, 1999 for this and other serious misconduct that is now pending before the Supreme Court. Middlesex attorney **Jacob Wyoker** was suspended from practice for three months when he filed Workers' Compensation petitions giving false and inaccurate addresses for over 1,000 petitioners in order to "forum shop" and have the cases heard in respondent's home county. A significant number of these false petitions were filed after respondent was warned both by his partner and by the director of the Division of Workers' Compensation that the practice was unethical. The Supreme Court disbarred **William C. Gasper, Jr.** of Ocean County for knowingly misappropriating some \$290,000 in clients' trust funds belonging primarily to elderly clients. **Joel M. Solow** of Essex County was reprimanded for engaging in intimidating and contemptuous conduct towards an Administrative Law Judge in numerous social security matters. Solow filed approximately 100 motions for recusal of the judge on the basis that the judge was blind and, therefore, unable to observe the claimants or review the documentary evidence. The motion papers repeatedly referred to the judge as "the blind judge." Essex County lawyer **Terry L. Shapiro** received a three-month suspension when he submitted a false certification of services to his adversary in connection with civil litigation. Practitioner **Gerald M. Alston** from Atlantic County was suspended for three months for failing to maintain a bona fide office in the state and for knowingly making false statements to the Office of

Attorney Ethics in connection with its investigation of his misconduct. **Harry J. Pinto, Jr.**, a Morris County lawyer, was reprimanded when he made discriminatory comments toward his female client that were demeaning, crude and vulgar, including the inappropriate touching of the client's buttocks. The New York law firm of **Morrison, Mahoney & Miller** was admonished for advertising violations, failing to maintain attorney trust and business accounts in New Jersey and failing to designate one of their New Jersey associates as responsible for their New Jersey practice. The Supreme Court revoked the license of **Akim E. Czmus** of Camden County who was previously licensed as a physician in California. He surrendered his medical license while disciplinary proceedings were pending in that state. Czmus failed to disclose this information when he applied to law school and on his New Jersey bar application. Throughout New Jersey's attorney disciplinary proceedings, respondent lied repeatedly to disciplinary authorities, his attorney, his testifying psychologist and psychiatrist, and even to his own character witnesses. **Hugh J. Breyer** of Mercer County was disbarred by consent based on reciprocal discipline in Illinois, which found that he filed false pauper's petitions in numerous domestic relations actions, forged the notary's signature on certain documents and kept the filings fees given him by the clients when the fees were returned by the court.

Criminal convictions always represent a significant portion of the serious cases resulting in attorney discipline. For 2001, these attorneys and their criminal offenses include: **Jerome V. Convery, Jr.** of Middlesex County (six-month suspension for a guilty plea to a federal misdemeanor of promoting employment for political activity); Bergen lawyer **Thomas E. Boccieri** (36-month suspension for mail fraud); **Michael P. Couture** of New York (suspended for 14 months for a 1<sup>st</sup> degree arson plea in Colorado); Somerset County lawyer **Louis J. Deck** (disbarred by consent for bank fraud); **Nicholas Khoudary** of Middlesex County (two-year suspension for structuring a monetary transaction to avoid reporting requirements); **Berek Paul Don**, a Bergen County practitioner (disbarred by consent for conspiracy to violate election laws and mail fraud); Hudson County attorney **Libero Marotta** (suspension for two years for obstruction of justice); **Kenneth S. Dobis** of Ocean County (reprimand for federal misdemeanor of importing protected wildlife (rattlesnakes) without a permit); and **Conrad J. Benedetto** of Burlington County (reprimand for

engaging in the unauthorized practice of law in South Carolina).

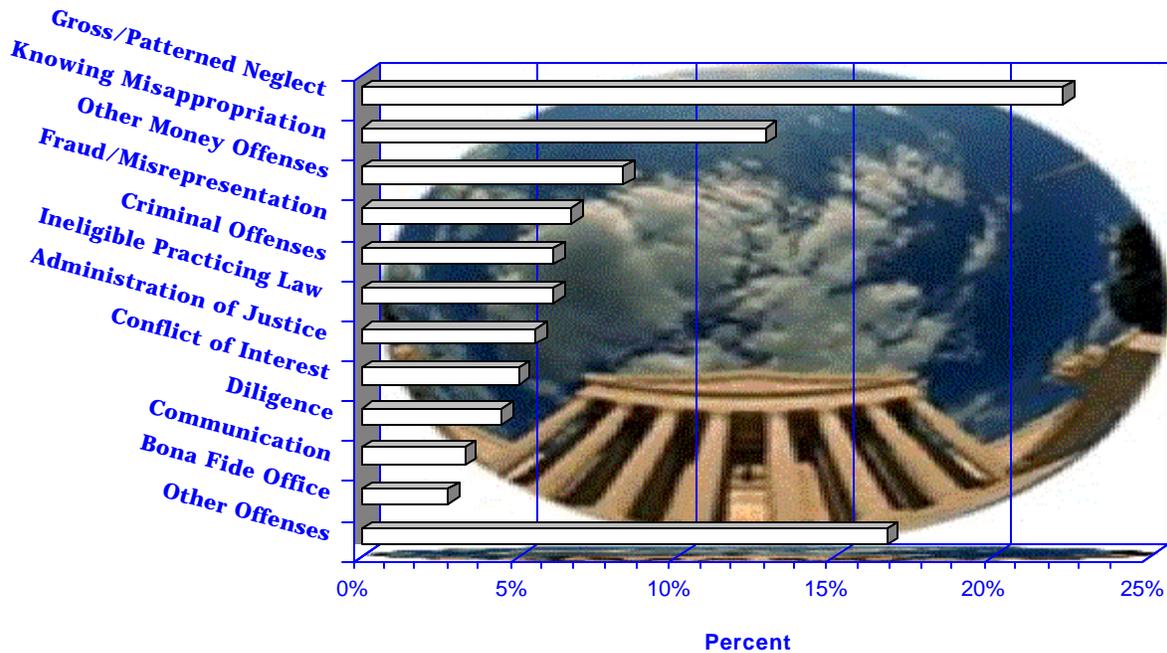
Of special note, too, is the fact that the Supreme Court imposed final discipline on 15 Garden State practitioners on more than one occasion, all within the year 2001. These respondents are: **Luba Annenko** of Camden County – who was twice suspended for periods of three and six months for grossly neglecting clients' matters; **Michael P. Balint** of Middlesex County, who was twice reprimanded for grossly neglecting three client matters and practicing while ineligible; **Angela C. W. Belfon** of Union County – who was admonished and then transferred to disability inactive status for grossly neglecting a client's matter, settling it and then failing to turn over the \$1,500 settlement to the client; **Kevin J. Daly** of Union County – who was suspended for three months and then disbarred for failing to act diligently and failing to communicate with a client and then accepting retainers from six matrimonial clients and then performing very little work, practicing while suspended and making misrepresentations; **Jules Farkas** of Camden County – who was reprimanded and transferred to disability inactive status due to his lack of diligence, lack of communication with clients and practicing law while ineligible; **Thomas J. Forkin** of Atlantic County – who was suspended for three and twelve months for failing to promptly deliver trust funds to his client and then misrepresenting that they had been deposited into his trust account and failing to protect four clients' matters when he closed his law office, while also making misrepresentations to a court; **William C. Gasper, Jr.** of Ocean County – who was suspended for six months and then disbarred for negligently misappropriating clients' funds and then for engaging in knowing misappropriation; **E. Lorraine Harris** from Gloucester County – who was suspended for six months and three months for knowingly making false statements to a tribunal and for making misrepresentations to a court to secure a case adjournment (**Note:** this is the second consecutive year that Harris was disciplined twice in the same year for misconduct – an unprecedented statistic); W. **Randolph Kraft** of Monmouth County – who was thrice disciplined by admonition, reprimand and admonition for failing to act diligently, failing to communicate and failing to act diligently with four clients and failing to file a complaint for a client for several years; **Eugene La Vergne** of Monmouth County – who was reprimanded and suspended for six months for being convicted in municipal court of theft and then mishandling eight client matters; **Karl R. Lawnick** of

Middlesex County – who was suspended from practice for three and twelve months for grossly neglecting three client matters and then practicing law after being suspended; **George J. Mandle, Jr.** of Union County – who was reprimanded and suspended for three months for failing to handle a matter diligently while Mandle was practicing law under a proctorship and for engaging in gross negligence and failing to cooperate with disciplinary authorities; **Ben W. Payton** of Middlesex County – who was reprimanded and suspended for three months for grossly neglecting two matters and for gross neglect, failure to communicate and failure to have a fee agreement; **Carl J. Valore** of Atlantic County – who was suspended for six months and then disbarred for borrowing money from clients without giving them any security and for knowingly

misappropriating a client’s trust funds; and **James H. Wolfe, III** of Essex County – who was thrice disciplined in 2001 (suspension for three months and two reprimands) for misconduct including gross neglect and failure to cooperate with disciplinary authorities, lack of diligence and failure to communicate with a client over a three-year period.

**Figure 10** located at the end of this chapter contains a summary listing followed by an individual case synopsis of all final discipline imposed in 2001. The summary also contains a list of all emergent discipline and reinstatement to practice cases as well. The summary is arranged by type of sanction and then alphabetically by respondent. The individual case synopses are all arranged alphabetically.

## Major Causes For Discipline



**Figure 3**

## Final Discipline Causes

The percentages and types of misconduct for which attorneys were publicly disciplined in 2001 are shown in **Figure 3**. Gross and patterned neglect (22.2%, with 40 of 180 cases) continues as the primary reason that attorneys are disciplined 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 may form a pattern of neglect and do constitute unethical conduct by a lawyer.

Knowing misappropriation of trust funds at 12.7% (23 of 180 cases) constitutes the second most frequent reason for discipline in New Jersey this year. Knowing misappropriation cases take on a 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 of *In re Wilson*, 81 N.J. 451 (1979). These cases mandate disbarment.

Moreover, New Jersey has the most pro-active financial programs of any state in the Country in this area, including Trust Overdraft Notification and Random Audits. The Trust Overdraft Notification Program was begun in 1985. This program requires all financial institutions to report to the OAE whenever an attorney overdrafts an attorney trust account or any time a check is presented against insufficient funds. During 2001, seven attorneys were detected and disciplined through this program: **William E. Byer** of Essex County, **Jerrold Goldstein** of Somerset County

and **Thomas P. Lynaugh** of Bergen County were disbarred; **Karl R. Lawnick** of Middlesex County was suspended for 1 year; **Walter D. Levine** of Morris County and **Phillip J. Simms** of Hunterdon County were reprimanded; and **Cassandra Corbitt** of Union County was admonished. During the 16 years of its existence (from March 1985 through December 31, 2001), the Trust Overdraft Program has exclusively resulted in the discipline of 75 New Jersey lawyers. Sixty percent of these Overdraft cases resulted in disbarment.

While not designed primarily to detect misappropriation, audits conducted through the Random Audit Compliance Program (Chapter 4) have, since the program's inception, resulted in the detection of a number of serious financial violations. This year, two attorneys were disciplined for committing serious violations: **Leonard H. Franco** of Hudson County was disbarred by consent and **Isadore H. May** of Atlantic County was suspended for one year.

Other money offenses, including negligent misappropriation, record keeping and escrow violations, (8.3%, 15 of 180 cases) came in third place as causes for sanction, followed by the category of fraud and misrepresentations – whether resulting from criminal or disciplinary findings – at 6.7%, with 12 of 180 cases. Criminal offenses were next at 6.1% (11 of 180 cases), followed by practicing law while ineligible, also at 6.1%, administration of justice (5.6%, 10 of 180 cases) and conflict of interest matters (5.0%, 9 of 180 cases) rounded out the top eight reasons for discipline. All other misconduct was widely dispersed (27.2%, 49 of 180 cases).

### Emergent Matters

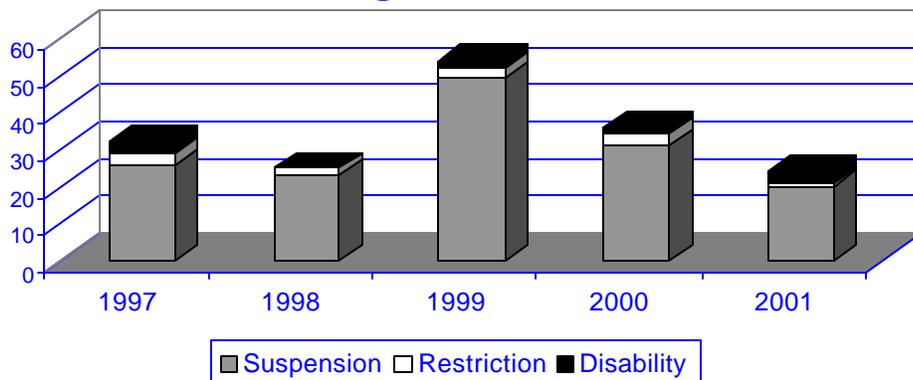


Figure 4

## Emergent Discipline

**E**mergent discipline is interim disciplinary action taken to protect the public interest. It is sought in accordance with *R.1:20-11* whenever the Office of Attorney Ethics believes a serious violation of ethical rules causes an attorney to pose a "substantial threat of serious harm to an attorney, a client or the public." Emergent discipline in the form of a transfer to temporary "disability-inactive status" is also sought under *R.1:20-12* where an attorney lacks the capacity to practice law.

Emergent discipline takes one of three forms: a temporary suspension from practicing law, the imposition of a restriction or condition on the attorney's right to practice law or a transfer to temporary disability-inactive status that prevents the attorney from practicing law during the period of disability.

For 2001, 24 practitioners were emergently disciplined: 20 were temporarily suspended, one license was restricted and three were transferred to disability inactive status. Last year a total of 36 attorneys were subject to emergent discipline (thirty-one were temporarily suspended, three received license restrictions and two were transferred to disability-inactive status). During 1999 a total of 54 emergent actions were imposed. Calendar year 1999 tied with 1995 as the busiest time in history in this area. Of the 54 emergent actions taken in 1999, 49 resulted in temporary suspensions from practice; three attorneys were subject to temporary license restrictions; and two were placed on temporary disability-inactive status as shown in **Figure 4**. In 1998 a total of 25 attorneys were emergently disciplined. All but two were temporarily suspended. The prior year resulted in 32 emergent actions (26 temporary suspensions, three license restrictions and three transfers to disability-inactive status). The names of attorneys who received interim discipline for 2001 are listed in **Figure 10**.

The substance of the misconduct that leads to emergent action is serious ethical violations that put the public or the profession at risk if the attorney continues to practice law unfettered. The most frequent reason for emergent action in 2001 was an attorney's criminal conviction of a "serious crime" as defined in *R. 1:20-13*. This year, convictions accounted for 42% of all emergent actions. The definition of "serious crime" includes first and second degree crimes, interference with the administration of justice, false swearing,

misrepresentation, fraud, deceit, bribery, extortion, misappropriation and theft. Misappropriation of clients' trust funds is also one of the most frequently cited reason that supports an emergent suspension. In 2001, this reason accounted for 29% of such actions.

## Attorneys Most Frequently Disciplined

**D**uring their legal careers, only a small fraction of New Jersey's 75,177 attorneys are ever disciplined. Of that small number who are disciplined, even fewer are sanctioned more than once. Within that fraction of a fraction lies a group of offenders who repeatedly challenge the disciplinary system and it's resources. These habitual offenders require greater focus by the attorney disciplinary system for the protection of the public and the bar. This section of the annual report details the history and treatment of these repeat offenders over the last decade.

In the ten years from January 1, 1992 through December 31, 2001 the Supreme Court of New Jersey (and, in the case of admonitions, the Court's Disciplinary Review Board) has disciplined a number of New Jersey attorneys repeatedly. **Figure 6** is a table entitled "Most Disciplined Attorneys In the Last Decade." It lists a total of 99 attorneys who have been disciplined at least three times during the decade. **Figure 5** summarizes the frequency with which these Garden State repeat offenders have been sanctioned:

### Number of Offenders and Sanctions

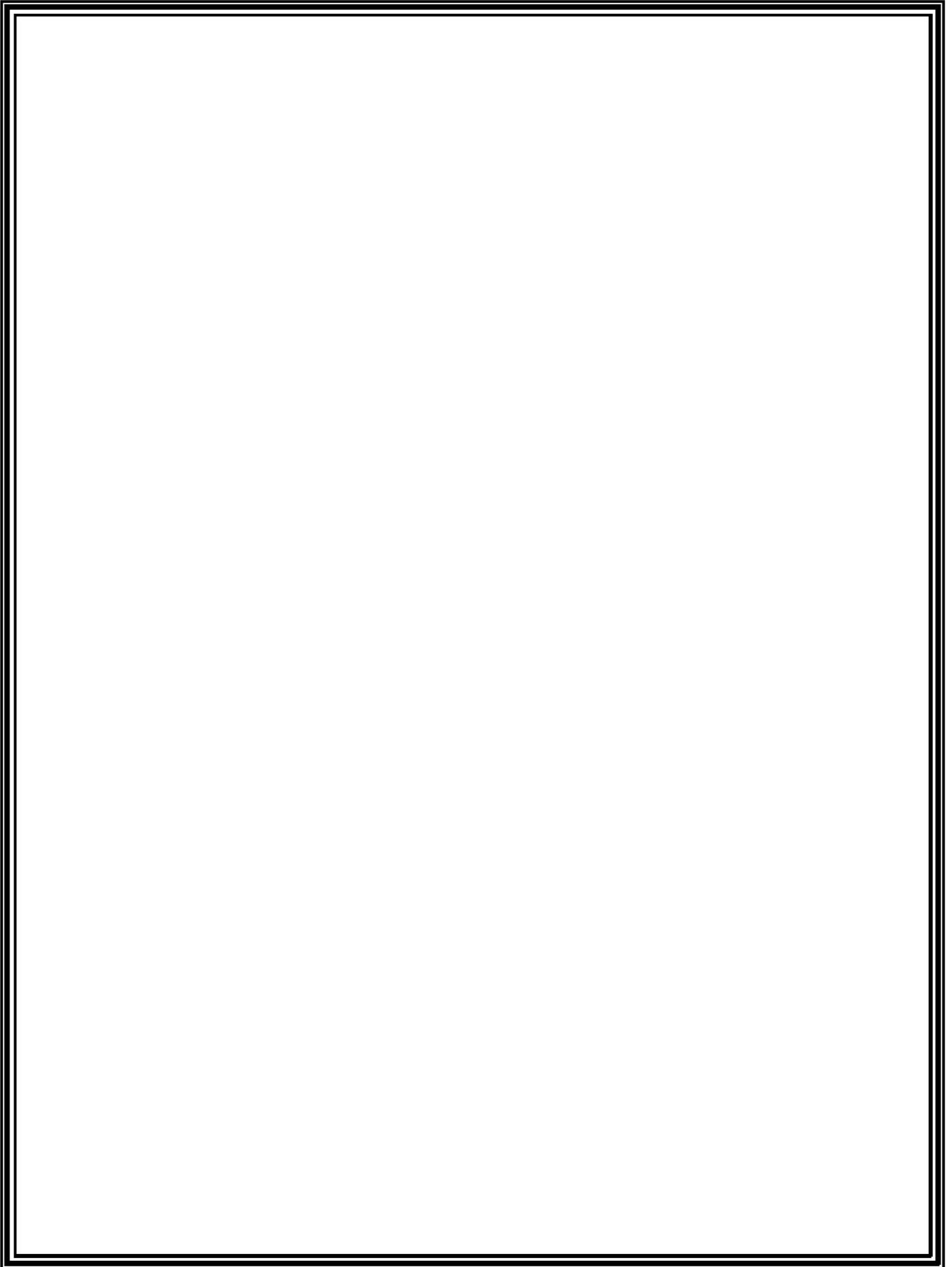
Number of Attorneys	# Sanctions Per Attorney	Total Sanctions
1	Seven	7
4	Six	24
9	Five	45
30	Four	120
55	Three	165
<b>99</b>	<b>TOTALS</b>	<b>361</b>

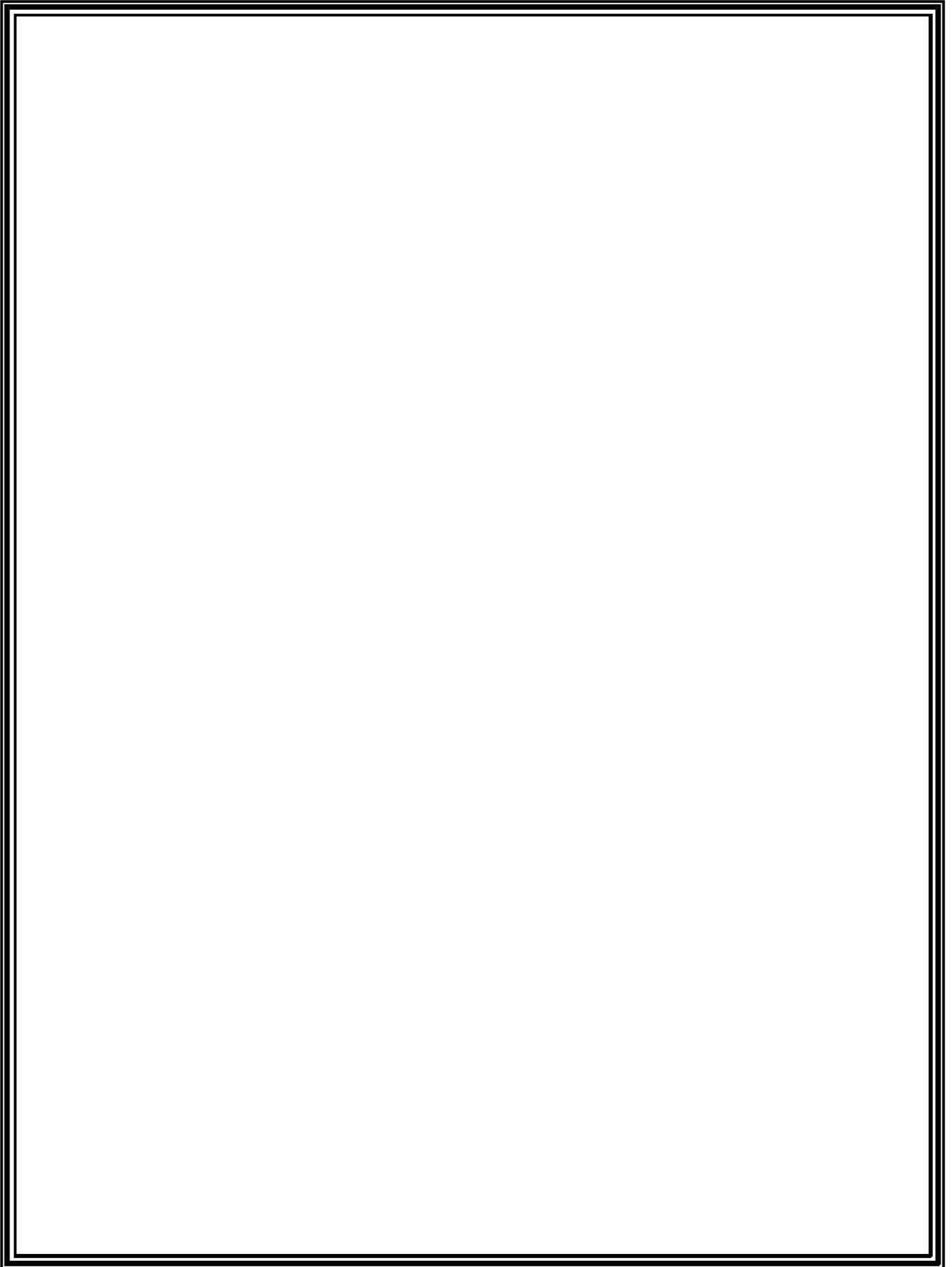
**Figure 5**

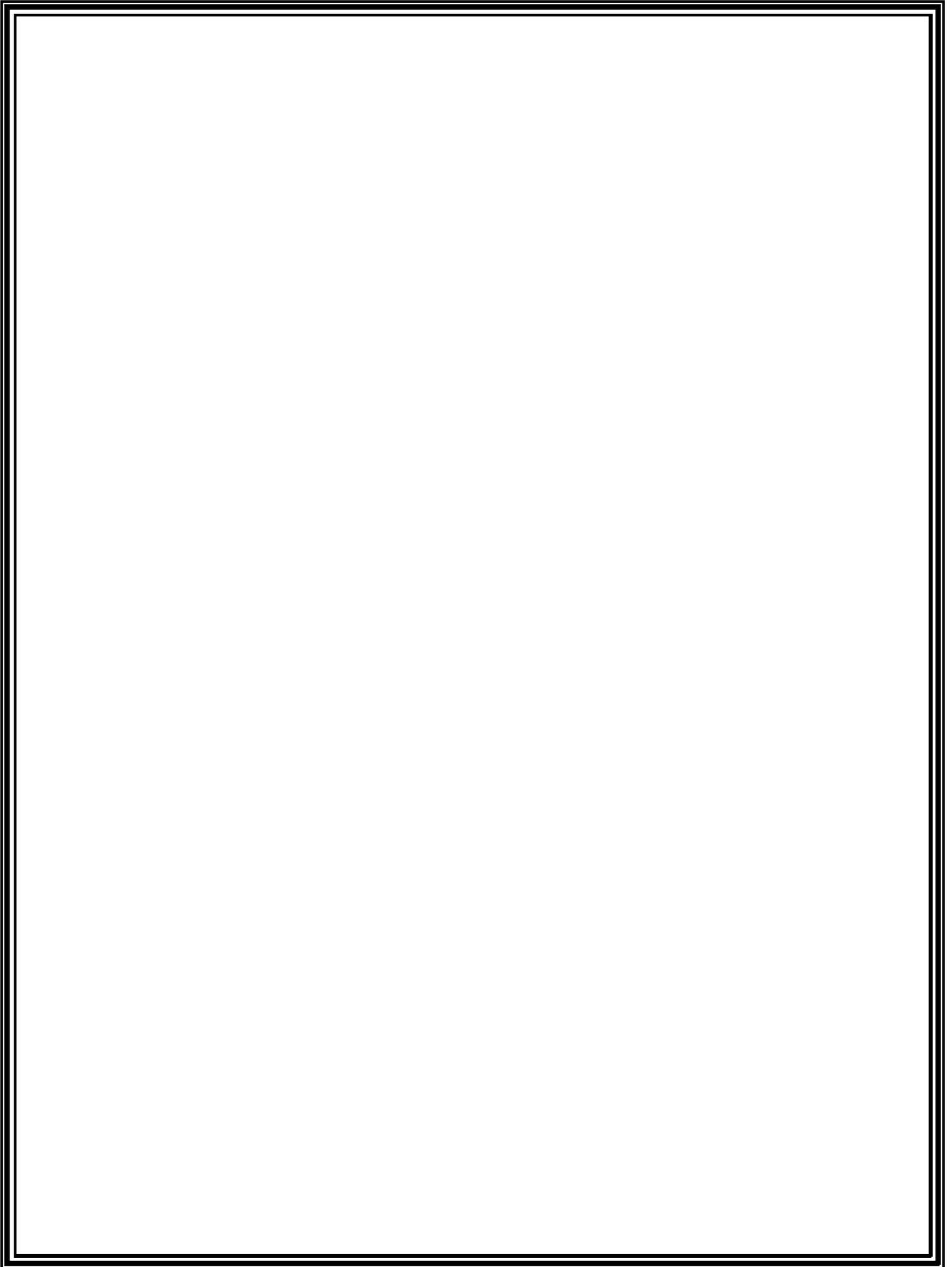
Thus, 99 attorneys alone have caused a total of 361 separate disciplinary sanctions in the last ten years. The greatest offender accumulated a total of seven separate rebukes, five of which were suspensions from













practice. Four other practitioners are responsible for six citations each, or a total of 24. Most of these disciplinary sanctions were suspensions and two were disbarments. In the next group involving five sanctions for unethical conduct, 9 lawyers were disciplined a total of 45 times. Again, suspension was the most frequently imposed sanction, while two were disbarments. In the four-sanctions category, a total of 120 separate disciplinary sanctions were meted out to a total of 30 practitioners. Finally, in the largest group, those with three sanctions this decade, 55 lawyers caused a total of 165 separate disciplines. If all disciplinary sanctions are counted for these lawyers, including those imposed both within and outside (i.e. "Prior" and "Future") the decade, the overall number rises to a grand total of 390 separate disciplines.

Before further analysis of repeat offenders, however, a few words about the layout of the table shown as **Figure 6** is in order. This table is ordered first, by the total number of disciplinary sanctions received by an attorney within the last decade and second, by the county of the lawyer's practice. Within each county, the offenders are then listed alphabetically.

Furthermore, possible sanctions range from temporary suspension to temporary license restriction, private reprimand (for cases where formal complaints were filed prior to July 14, 1994 when private sanctions were abolished), disability inactive status (which is non-disciplinary in nature and imposed where the attorney is mentally or physically unable to practice law), admonition, reprimand, suspension, and disbarment imposed by the Supreme Court either with or without consent of the attorney. All private reprimands shown in the table are disclosed in decisions of the Disciplinary Review Board, where a respondent's disciplinary history is discussed.

Sanctions imposed within the last decade are designated "Decade" in the "When Sanctioned" column of the table. Additionally, a number of these attorneys are also awaiting further discipline by the Supreme Court as a result of recommendations already made by the Disciplinary Review Board. Those sanctions are designated as "Future." Moreover, in order to give an accurate picture of the extent of their misconduct, the table also shows any discipline imposed on these repeat offenders prior to January 1, 1992. Such actions are categorized as "Prior."

The attorneys who received the greatest number of sanctions within the decade are shown in **Figure 7**:

## GREATEST HABITUAL OFFENDERS

Attorney	County	Sanctions
Page, Raymond T.	Gloucester	7
Smith, Douglas R.	Bergen	6
Olitsky, Steven M.	Essex	6
Harris, E. Lorraine	Gloucester	6
Goldstein, Jerrold	Union	6
West, John H. C., III	Atlantic	5
Lester, Althea A.	Essex	5
Carroll, Richard J.	Hudson	5
Carracino, Anthony	Middlesex	5
Lawnick, Karl R.	Middlesex	5
Kraft, W. Randolph	Monmouth	5
Flayer, Joseph F.	Morris	5
Chen, Marie C.	Somerset	5
Mandle, George Jr.	Union	5

**Figure 7**

These results are somewhat surprising. Two of the top 4 habitual offenders come from Gloucester County, one of the counties with the smallest private attorney populations in the state. According to the results of the 2000 Annual Attorney Registration Statement [the latest year for which private practice county statistics are available] (See **Chapter 5 – Figures 45 and 46**), Gloucester ranked 14<sup>th</sup> in the state out of 21 counties in the number of attorneys in private practice with 376. Perhaps this demonstrates the pure randomness of disciplinary results that make it difficult to predict in advance where the problem attorneys will arise. On the other hand, Essex County, which the registration information shows having the largest private attorney population (5,175) of any county in the state, has only two attorneys represented in this special statewide group. One would expect that a much greater number of offenders from Essex County would be represented in this group. Likewise, the third most populous county for private practitioners is Bergen with 3,733. Yet it has only one representative in the top habitual offenders list. Similarly, Morris County, the fourth most populous county for private practice at 2,667 has only one representative in this select group. Camden County, which ranks second in private attorneys at 4,164, is not represented at all. The counties of Middlesex and Union represent two offenders each. They rank 6<sup>th</sup> and 8<sup>th</sup>, respectively in the number of privately practicing

attorneys in their counties with 1,902 and 1,501 practitioners. The remaining offenders are widely dispersed in counties throughout the state.

Over twenty-eight percent (28.5%) of these greatest habitual offenders were disbarred. The balance of 71.5% of these repeat offenders still remain members of the Bar of this state. None of this latter group, however, is now practicing law in New Jersey. The applications of two of these offenders to be readmitted to practice were denied by the Supreme Court. Five other offenders are still not eligible to apply, either because their suspensions have not yet expired or because the Court has conditioned any application for reinstatement on the completion of all outstanding disciplinary investigations. Thus, the public is protected from these attorneys while they are finally called to account for their misconduct.

If all disciplinary sanctions imposed on repeat offenders are counted (both within and outside the decade -- "Prior," "Decade" and "Future" on the table), several additional offenders rise to the top of the list of the greatest habitual offenders. Moreover, two others (Carroll and Lester) who were already on the top list moved even higher. The attorneys in this enhanced listing are reflected in **Figure 8**:

### Additional Habitual Offenders

Attorney	County	Sanctions
<b>Carroll, Richard J.</b>	Hudson	7
<b>Frost, Jack N.</b>	Union	7
<b>Lester, Althea</b>	Essex	6
<b>Waters-Cato, Shirley</b>	Essex	6
<b>Cubberley, Mark D.</b>	Mercer	6
<b>Zeitler, Richard J.</b>	Middlesex	6

**Figure 8**

The results of this enhanced listing brings Essex County more in line with what would be expected from the county with the largest number of private practitioners in the state. Of this enhanced group, one attorney was disbarred (Lester), and the rest were suspended or received lesser disciplinary sanctions. Only one attorney in the group (Zeitler) is actively practicing and he is required to practice under the oversight of an attorney who serves as his proctor. Two of the remaining attorneys (Carroll and Frost) are not eligible to reapply for admission, while two others (Waters-Cato and Cubberley) have not yet applied for

reinstatement. Again, public protection appears to be in good order.

Overall, considering all repeat offenders having three or more disciplinary sanctions imposed on them over the last decade, the top counties where repeat offenders practiced are listed in **Figure 9**:

### Repeat Offender Counties

County Of Practice	Attorney's Sanctioned
Essex	22
Camden	10 (tie)
Middlesex	10 (tie)
Morris	9
Hudson	8
Monmouth	8
Union	7
Atlantic	4
Bergen	3 (tie)
Mercer	3 (tie)
Passaic	3 (tie)

**Figure 9**

The results of this list are more in line with what would be expected from the county rankings of private practitioners. (See **Chapter 5, Figures 45 and 46.**) The top two counties with the largest population of private practitioners, Essex (5,175) and Camden (4,164), are at the top of this list. Middlesex, Morris, Hudson, Monmouth, and Union, are next in line on the list of repeat offenders. Of 21 Counties in the State, they rank 6<sup>th</sup> (1,902), 4<sup>th</sup> (2,667), 9<sup>th</sup> (1,206), 7<sup>th</sup> (1,760) and 8<sup>th</sup> (1,545) in the lawyer population analysis. Only Bergen County, the 3<sup>rd</sup> most populous county with 3,733 private practitioners appears to be a little under-represented in the overall list of habitual offenders.

No analysis would be complete without considering which habitual attorneys have been reinstated and may still be actively practicing law in New Jersey. Unless an attorney has been disbarred, he/she may apply to be reinstated to the practice of law in New Jersey. Unlike many states, the sanction of disbarment (by the Court or by consent of the attorney) really means what it says – the attorney is permanently removed from the roll of attorneys in New Jersey. Consequently, the column titled "Status of

Reinstatement” (**Figure 6**) describes their position as “Not Applicable.” However, where an attorney has been suspended or transferred to disability inactive status, the attorney must first apply to the Disciplinary Review Board and then be reinstated by the Supreme Court before again practicing law. For suspended or disabled attorneys, the column titled “Status of Reinstatement” shows either 1) the date on which the offender was reinstated and whether conditions were imposed on the lawyer’s return or 2) “Did Not Apply” if the offender has not applied to be reinstated or 3) “Denied” if an application was made and reinstatement denied or the Supreme Court otherwise ordered that no application for reinstatement could be filed. Where the attorney’s suspension has not yet expired and the attorney is not eligible to apply, the phrase “Not Eligible” is shown. “Unnecessary” appears in the column where the only discipline imposed is a reprimand, admonition or private reprimand, since none of these sanctions interrupts the attorney’s practice and thus no application for reinstatement is necessary.

In more than forty-five percent (45.5%) of the total number of repeat offender cases shown in **Figure 6** (45 of 99), the offenders were ultimately disbarred. As noted above, disbarment is permanent in New Jersey and these attorneys may not be reinstated.

Only 7 % of all repeaters (7 of 99) were readmitted. Three members of this group were readmitted unconditionally ( **Zotkow, Moras and Wolfe**) while four (**Lisa, Lewinson, Marum and Zeitler**) were readmitted subject to specific conditions, such as practicing law under a proctorship. Two attorneys (2.0%, or 2 of 99) applied but were denied admission (**Olitsky and Kraft**) and are, therefore, not practicing law, while 31.4% (31 of 99) never applied for readmission even though their suspensions expired. Twelve percent of repeat offenders (12 of 99) are not eligible to apply to be readmitted, usually because the term of their suspensions has not yet expired. Finally, for 2% of these attorneys no reinstatement application is necessary, since their recent disciplinary sanctions are reprimands and admonitions not involving suspension. Therefore, their ability to practice law was never interrupted.

The net result of this reinstatement analysis is that the Supreme Court of New Jersey has reinstated only a very small number of habitual offenders. This is the expected result where lawyers repeatedly engage in misconduct over a period of time. Those very few who were readmitted often were admitted conditionally until

they can prove to the Court that they are capable of practicing law without any oversight.

In conclusion, there is no reason to believe that New Jersey has a greater share of repeat offenders than other states. However, habitual offenders are a terribly important group to focus on because these attorneys present a danger to the public and the Bar. They also cause the attorney disciplinary system to expend a disproportionate amount of disciplinary resources and time. Many of these attorneys fail to cooperate with disciplinary authorities, making fact-finding during an investigation much more difficult than is necessary. While non-cooperating offenders can sometimes be dealt with through our default hearing process or through motions for temporary suspension, these repeat offenders place additional burdens on a system designed to do justice and not simply to try to convict. Moreover, there is a fine gray line that some repeaters perfect where their cooperation is just enough to avoid temporary suspension without really helping the disciplinary system find out what happened in their cases. This is particularly true in the most serious disciplinary cases, such as allegations of knowing misappropriation, fraud, and other complex matters. The challenge for the future is to find more effective ways to deal with habitual offenders so that, if they deserve to be excised from the profession, that is accomplished as quickly as reasonably possible.

## **Contempt Prosecutions**

A growing number of respondents have presented problems for the disciplinary system in recent years by failing to obey orders of suspension and disbarment.

Because of the high visibility of these challenges to the authority of the ethics system and because of the potential harm to the public, the Supreme Court has authorized prosecution of these cases as contempt. *R. 1:20-16(i)* provides that the Office of Attorney Ethics 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.

During 2001, two contempt convictions were secured. **Jesse Jenkins III** was prosecuted for contempt of the Supreme Court of New Jersey for practicing while suspended. The respondent maintained an office with a sign that advertised his legal services and appeared before a court in a personal injury case. The contempt was presented to the

Honorable Joseph A. Falcone, Assignment Judge of Essex County, on January 5, 2001. Judge Falcone found respondent guilty of contempt and sentenced respondent to: a 45-day custodial sentence in the Essex County Jail (suspended); a fine of \$750.00; and a requirement that Jenkins tour the Essex County Jail and report to Judge Falcone on his impression of the facility.

Summary contempt proceedings were also brought against disbarred attorney **Leslie Dienes**, before the Honorable Robert A. Longhi, A.J.S.C. for engaging in the practice of law, in violation of the Supreme Court Order and *R. 1:20-20*.

Dienes, who, on July 12, 1993, was sentenced to five years probation after pleading guilty to Theft by Deception and Theft by Unlawful Taking, was disbarred by the New Jersey Supreme Court on September 20, 1994. He began operating MicroLaw Inc. and Lawyerless Solutions (MicroLaw/Lawyerless Solutions), a document preparation service for bankruptcy and divorce matters. Dienes, who advertised in the Yellow Pages as well as the Internet, was going beyond the limits set forth in *New Jersey State Bar Association v. Divorce Center of Atlantic County, 194 N.J. Super. 532 (Ch. Div. 1984)* of only selling do-it-yourself divorce kits to individuals, in that he prepared legal documents, i.e., divorce complaints, and provided legal advice, i.e., custody issued, grounds for divorce, distribution of property, thereby engaging in activities which constituted the practice of law.

On June 26, 2001, Judge Longhi found that Dienes was in contempt of the Court's Order and sentenced him to 45 days in the county jail, suspended, and a \$1,000 fine. Judge Longhi further ordered that Dienes tour the county jail.

In both 1997 and 1998, the Office of Attorney Ethics was successful in having a total of four attorneys declared in contempt. No contempts were filed in 1999. In 2000, contempt was brought against one attorney.

## Character and Bar Admission Cases

The Supreme Court of New Jersey assigns to the Office of Attorney Ethics oral argument in contested cases of applicants who are seeking admission to the Bar. All such matters are reviewed by the Supreme Court's Committee on Character initially

through investigations and, where appropriate, hearings. These proceedings are conducted in accordance with *R. 1:25* in order to determine the applicant's "fitness to practice." The Character Committee may hold hearings after which a recommendation either to certify or to withhold certification is filed with the Supreme Court. Thereafter, the Supreme Court may issue an Order To Show Cause why the applicant should not be admitted to practice. Oral argument is held before the Court. In order to meet fitness requirements to practice law in this state, a bar applicant must possess the traits of honesty, truthfulness, trustworthiness and reliability. Three character cases were argued in 2001.

The Court also assigns to the Office of Attorney Ethics investigations and prosecutions of attorneys suspected of cheating on the bar examination test. There were no such cases in 2001.

Unlike attorney disciplinary matters which are public under *R. 1:20-9* after a formal complaint is filed, both Character Committee and Bar Examination Cases are completely confidential during their entire processes.

## Diversionsary Actions

Where both the district chair and the Director, OAE agree that an attorney is guilty of "minor" misconduct and where the attorney admits to the misconduct, the respondent may be eligible for diversion from the disciplinary system. Diversionsary treatment is available only during the investigative stage of a matter.

Diversion is a relatively new disciplinary concept that was first recognized in March 1995 when the Supreme Court adopted new rules to implement a major restructuring of the disciplinary system. "Minor" misconduct is conduct that will warrant no more than an admonition, the least serious of all disciplinary sanctions. Diversion results in non-disciplinary treatment, usually conditioned on certain remedial action by the attorney for a period not to exceed six months. If successfully completed, the underlying grievance is dismissed with no record of discipline.

The decision to divert a case is not appealable by a grievant, although the grievant is given a period of ten days notice and an opportunity to comment on the proposal to the Director, OAE prior to his consideration and acceptance of proposed diversionsary treatment.

During calendar year 2001, a total of 64 requests for

diversion were received by the OAE. Of that number, all were accepted and none was rejected. By the end of the year, 45 cases were successfully completed, four failed and 19 were still pending. Cases where respondents fail to complete agreed conditions are referred to as failed diversions and are returned to district committees for the filing of a formal complaint leading to discipline. In those cases the respondents' written signed agreement in lieu of discipline is introduced into evidence as proof of the misconduct. This action streamlines hearings of these cases.

The most common offenses involved in diversion cases were: gross negligence/lack of diligence or communication (30); isolated instances of practicing while ineligible (12); minor conflicts of interest (3).

The most common conditions imposed in diversionary matters were attendance at the New Jersey State Bar Association's Ethics Diversionary Education Course. In 2001, a total of 41 attorneys were mandatorily referred to that course. Other required conditions included letters of apology (15) and restitution or refund of legal fees (5).

## Reinstatement Proceedings

When an attorney has been suspended from the practice of law, reinstatement may be achieved only after review by the Office of Attorney Ethics, the Disciplinary Review Board and by order of the Supreme Court. Where the attorney has been suspended for more than six months, application may not be made until expiration of the time period provided in the order of suspension. *R.1:20-21(a)*. Where the suspension is for a period of six months or less, the attorney may file the reinstatement petition and publish the required public notice forty days prior to the expiration of the suspension period. *R.1:20-21(b)*.

The burden of proof in reinstatement proceedings is on the attorney. Notice and an opportunity to comment is provided to the Office of Attorney Ethics. The DRB reviews the matter and files its recommendation with the Supreme Court, which takes final action on all reinstatement requests. Public comment is also encouraged as the attorney seeking reinstatement must publish notice of the application in the New Jersey Law Journal and New Jersey Lawyer (weekly legal periodicals to which most practicing attorneys subscribe) and in a newspaper of general

circulation in each county in which the attorney practiced and/or resided at the time of the imposition of discipline. During 2001, thirteen (13) suspended attorneys were reinstated to the practice of law. **Figure 10**, located at the end of the disciplinary summaries, contains a list of all attorneys who were reinstated.

There is no procedure for a disbarred attorney to apply for reinstatement. In New Jersey, disbarment is virtually permanent. *In re Wilson, 81 N.J. 451, 456 n5 (1979)*.

## Monitoring Attorneys

Attorneys are subject to monitoring conditions imposed by the Supreme Court of New Jersey, either as a result of previous reinstatement proceedings or in connection with sanctions imposed in disciplinary proceedings. Generally, practice conditions ordered by the Court are of two types.

A proctorship is imposed upon those attorneys whom the Court believes need intensive guidance and oversight by a seasoned practitioner. Such conditions are imposed in accordance with *R. 1:20-18*. This rule imposes specific reporting responsibilities on both the attorney as well as the proctor, including weekly conferences, the maintenance of time records and instructions regarding proper financial record keeping.

Another typical condition imposed by the Court in instances involving financial violations which do not result in disbarment, is the submission of an annual or quarterly audit report covering all attorney trust and business records. The entire cost of the audit is borne by the attorney as a cost of continued licensing. The audit report includes (1) a schedule of the clients' trust ledgers as of the audit date, with a reconciliation to the trust checkbook balance and to the bank statement, and (2) a detailed certification specifying, by correlatively numbered paragraphs, how the attorney has fully complied with each and every applicable section of our detailed record keeping rule (*R. 1:21-6*).

Other conditions, which have been utilized more sparingly, are community service and drug testing. Under community service, an attorney is required to perform legal services for a community service oriented agency. Those attorneys subject to drug testing are required to undergo random, periodic drug testing at the attorney's expense.

Finally, some attorneys, although not monitored on a regular basis, have been placed under some type of license restriction by the Court. Examples of this type

of license restriction are permission to practice only as house counsel for a corporation or the requirement that all attorney financial checks be co-signed by a designated third party. Thirty-one (31) attorneys were being monitored as of December 31, 2001.

**MICHAEL P. BALINT** of Plainsboro (MIDDLESEX COUNTY) was reprimanded on December 4, 2001 and ordered to practice under a proctorship until further Order of the Court. The reprimand resulted from a disciplinary hearing which found that Mr. Balint engaged in gross neglect, a lack of diligence, failure to communicate, failure to properly safeguard client funds and failure to expedite litigation. *In re Balint, 170 N.J. 198 (2001)*.

**BASIL D. BECK, JR.** of Bridgeton (CUMBERLAND COUNTY) was reinstated to the practice on March 9, 1999, subject to the condition that he practice under the proctorship of Joseph W. Veight III, of Bridgeton. Mr. Beck had been under suspension since January 30, 1992 for misconduct that included pattern of neglect, failure to communicate with clients, improperly terminating client representation and conduct prejudicial to the administration of justice.

**LOUIS B. BERTONI** of Clifton (PASSAIC COUNTY) was reprimanded on October 31, 2000 and ordered to provide quarterly reconciliations of his attorney trust account, practice law under supervision and have all checks drawn on his attorney trust account co-signed by his supervising attorney. The reprimand resulted from violations of record keeping requirements and failure to cooperate with disciplinary authorities. *In re Bertoni, 165 N.J. 542 (2000)*. His proctor is Thomas G. Griggs of Hawthorne.

**OTTO F. BLAZSEK** of Clifton (PASSAIC COUNTY) was ordered by the Court, on June 30, 1998, to provide quarterly reconciliations of his attorney financial accounts. The Court further held that a public reprimand was the appropriate discipline for Mr. Blazsek, who failed to comply with the record keeping requirements of *R.1:21-6* and failed to safeguard client funds. *Matter of Blazsek, 154 N.J. 137 (1998)*.

**DAVID BRANTLEY** of Verona (ESSEX COUNTY) was reinstated to the practice on January 10, 1996, subject to the condition that he practice under the supervision of a proctor. Brantley had received a three month suspension for grossly neglecting two matters and failing to cooperate with the investigating district ethics committee. *Matter of Brantley, 139 N.J. 465 (1995)*. His proctor is Linwood A. Jones of East Orange.

**HARRY CORNISH** of Paterson (PASSAIC

COUNTY) was reinstated to the practice on June 26, 1985 and ordered to provide an annual audit covering all attorney trust and business records. Mr. Cornish had been suspended by the Court for five years for the pre-*Wilson* misuse of client funds. *In re Cornish, 98 N.J. 500 (1985)*.

**JAMES C. DE ZAO** of Parsippany (MORRIS COUNTY) was ordered by the Court, on December 4, 2001, to practice under a proctorship for a period of one year and to complete 12 hours of legal education courses in areas of professional responsibility, law office management and real estate practice. The Court further held that a public reprimand was the appropriate discipline for Mr. DeZao, for violations which included gross neglect, failure to communicate with a client and failure to explain the matter to the extent necessary to permit the client to make an informed decision. *In re DeZao, 170 N.J. 199 (2001)*.

**DANIEL ELLIS** of Warren (SOMERSET COUNTY) was ordered by the Court, on May 11, 1999, to practice under a proctorship. The Court also reprimanded Ellis for negligently misappropriating client trust funds and failing to maintain attorney trust records which complied with *R. 1:21-6. Matter of Ellis, 158 N.J. 255 (1999)*. Mr. Ellis' proctor is David J. Knapp of Somerville.

**STEPHEN GOLD** of Newark (ESSEX COUNTY) was reinstated to the practice on October 17, 1989 and ordered to provide annual audits covering all attorney trust and business account records. Mr. Gold had been suspended by the Court for five years as a result of a guilty plea in Superior Court, Law Division, Hunterdon County, to a charge of embezzlement. *In re Gold, 115 N.J. 239 (1989)*.

**STEVE HALLETT** of Trenton (MERCER COUNTY) was ordered by the Court on June 5, 2001, to complete three hours of courses in municipal court practice and three hours of courses in law office management with proof of the successful completion thereof to the Office of Attorney Ethics by March 5, 2002. The Court further held that a public reprimand was the appropriate discipline for Mr. Hallett, who after being retained by a client to pursue a municipal court appeal, failed to communicate with the client, failed to explain the matter to the extent reasonably necessary to permit the client to make an informed decision, failed to have a written fee agreement and filed a frivolous notice of appeal. *In re Hallett, 167 N.J. 610 (2001)*.

**VINCENT J. INFINITO** of East Hanover (MORRIS COUNTY) was reinstated to the practice on September 5, 1985, with the provision that he submit an annual

audit of his attorney trust and business account records. Mr. Infinito received a three year suspension for his conviction of larceny of more than \$500 from two retarded adult sisters who resided in his home. *In re Infinito*, 94 N.J. 50 (1983).

**MICHAEL H. KESSLER** of Union (UNION COUNTY) was Ordered by the Court, on January 26, 1999, to submit annual certified audits of his attorney financial records for a period of two years. Mr. Kessler was reprimanded on that same date for failing to maintain proper trust and business accounting records, resulting in his negligent misappropriation of client funds. *Matter of Kessler*, 157 N.J. 73 (1999).

**F. WILLIAM LaVIGNE** of Andover (SUSSEX COUNTY) was reinstated to the practice on April 27, 2000 and ordered to have all attorney business and trust account checks co-signed by a co-signatory for a period of two years. His co-signatory is Richard E. Honig of Hamburg. Mr. LaVigne had been suspended for a period of three years for engaging in conflicts of interest, misrepresentations and failure to safeguard client funds. *In re LaVigne*, 146 N.J. 590 (1996).

**BARBARA K. LEWINSON** of East Brunswick (MIDDLESEX COUNTY) was reinstated to the practice on February 7, 2000 and ordered to practice under a proctorship for a period of two years. Ms. Lewinson had been suspended for a period of six months for representing a client in two criminal matters in Pennsylvania while ineligible to practice there. She also admitted that she misrepresented her status to the criminal court judge before whom she appeared. *In re Lewinson*, 157 N.J. 627 (1999). Her proctor is Harvey Levine of East Brunswick.

**SCOTT MARUM** of Morristown (MORRIS COUNTY) was reinstated to the practice on May 15, 2000 and ordered to practice under a proctorship for a period of two years. Mr. Marum had received a one-year suspension for gross neglect in three matters, a lack of diligence in eight matters, failure to communicate with clients in nine matters and misrepresentations in six matters. *In re Marum*, 157 N.J. 625 (1999). His proctor is Thomas A. Zelante of Dover.

**VICTOR M. MUSTO** of Interlaken (MONMOUTH COUNTY) was reinstated to the practice on July 30, 1998 and ordered to practice under the supervision of a proctor for a period of one year and until further Order of the Court and also to continue random drug testing. Musto had received a three year suspension, effective June 15, 1995, for a series of narcotics possessionary offenses in federal and state courts. *Matter of Musto*, 152 N.J. 165 (1997). Mr. Musto's proctor is Bernard

L. Greenberg of Asbury Park.

**WALTER D. NEALY** of Hackensack (BERGEN COUNTY) was reprimanded on December 4, 2001 and ordered to provide quarterly reconciliations of his attorney accounts to the Office of Attorney Ethics for a period of two years. The Court also directed Mr. Nealy to complete a course in accounting within one year of the date of the Order. The reprimand resulted from violations of record keeping requirements including the failure to safeguard client funds and the failure to maintain required attorney trust account records. *In re Nealy*, 170 N.J. 193 (2001).

**JAMES J. NORTON** of Freehold (MONMOUTH COUNTY) was reinstated to the practice on August 1, 1989 and ordered to provide an annual audit covering all attorney trust and business records. Mr. Norton had received a seven year suspension as a result of neglecting five matters and exhibiting gross neglect in the maintenance of required trust and business account records, which caused a number of checks to be dishonored. *In re Norton*, 113 N.J. 314 (1988).

**ALAN S. PORWICH** of Jersey City (HUDSON COUNTY) was ordered to practice under the supervision of a proctor on July 15, 1999. On that same date, Porwich was reprimanded by the Court for engaging in gross neglect, a lack of diligence and failure to cooperate with ethics authorities in four separate matters. *Matter of Porwich*, 159 N.J. 511 (1999). Mr. Porwich's proctor is Irwin Rosen of Jersey City.

**RICHARD W. RAINES** of East Orange (ESSEX COUNTY) was reinstated to the practice on November 3, 1997 and directed to practice under a proctorship and submit to random drug testing. Mr. Raines had received a six-month suspension for possession of cocaine, gross neglect of three matters and misrepresentation to a client. *Matter of Raines*, 139 N.J. 446 (1995).

**FERNANDO REGOJO** of Union City (HUDSON COUNTY) was reprimanded on November 14, 2001 and ordered to provide quarterly trust account reconciliations to the Office of Attorney Ethics for a period of two years. The reprimand resulted from violations of record keeping requirements including the failure to promptly pay funds to third parties. *In re Regojo*, 170 N.J. 67 (2001).

**EMIL T. RESTAINO** of Belleville (ESSEX COUNTY) was reinstated by the Court on September 28, 1999 and ordered to practice under a proctorship. Mr. Restaino had received a two year suspension from the Court for, *inter alia*, gross neglect, failing to

maintain proper attorney financial records, misrepresentation and failing to cooperate with disciplinary authorities. *Matter of Restaino, 142 N.J. 615 (1995)*. Mr. Restaino's proctor is Diane Penn-Zusi of Belleville.

**ROBERT E. RIVA** of Short Hills (ESSEX COUNTY) was the subject of an Order, entered on May 11, 1999, requiring that, pending the conclusion of disciplinary proceedings, all attorney trust account checks be co-signed by a co-signatory approved by the Office of Attorney Ethics.

**JAMES ROBERSON, JR.** of Hackensack (BERGEN COUNTY) was the subject of an Order, entered on June 5, 2001, requiring that, all attorney business and trust account checks be co-signed by a co-signatory approved by the Office of Attorney Ethics.

**LEE JASPER ROGERS** of Red Bank (MONMOUTH COUNTY) was reinstated by the Court on November 1, 1994, and ordered to provide certified annual audits of his attorney financial records. Rogers had received a two year suspension for negligently misappropriating client trust funds, engaging in a conflict of interest and failing to maintain proper trust and business accounting records. *Matter of Rogers, 126 N.J. 345 (1991)*.

**MICHAEL L. RUBERTON** of Hammonton (ATLANTIC COUNTY) was reinstated to the practice on February 13, 1996 and ordered to continue to receive psychiatric treatment for a period of two years and until further Order of the Court. Mr. Ruberton had received a three month suspension for failing to disclose the terms of a business transaction with a client and failing to reduce those terms to writing or to advise the client to seek independent counsel. *Matter of Ruberton, 140 N.J. 633 (1995)*.

**VINAYA SAJWANI** of Princeton Junction (MERCER COUNTY) was ordered, on November 14, 2000, to provide semi-annual reconciliations of her attorney books and records for a period of one year. Ms. Saijwani also received a reprimand on that date for committing numerous trust and business record keeping violations and also, in one matter, engaging in a lack of diligence. *In re Saijwani, 165 N.J. 563 (2000)*.

**JOEL F. SHAPIRO** of Paramus (BERGEN COUNTY) was ordered on June 19, 2001, to practice law under a proctorship for a period of one year as well as to complete the Skills and Methods courses offered by the Institute for Continuing Legal Education. The Court further held that a public reprimand was the

appropriate discipline for Mr. Shapiro, who engaged in gross neglect, lack of diligence, failure to communicate and failure to provide a written retainer agreement. *In re Shapiro, 168 N.J. 166 (2001)*.

**BENJAMIN A. SILBER** of Carneys Point (SALEM COUNTY) was reprimanded by the Court on March 7, 2001 and directed to provide quarterly reconciliations of his attorney books and records for a period of two years. Mr. Silber's reprimand was imposed as a result of his negligent misappropriation of client funds. *In re Silber, 167 N.J. 3 (2001)*.

**NEIL I. STERNSTEIN** of Woodbury (GLOUCESTER COUNTY) was reinstated to the Court on October 21, 1998 and required to practice under the supervision of a proctor for a period of three years and until further Order of the Court. Mr. Sternstein had received a two year suspension from the practice, effective October 31, 1995, for, inter alia, engaging in gross neglect and a pattern of neglect in ten matters, as well as failing to cooperate with disciplinary authorities. *Matter of Sternstein, 152 N.J. 433 (1998)*. Mr. Sternstein's proctor is Richard M. Pescatore of Vineland.

**RICHARD J. ZEITLER** of Iselin (MIDDLESEX COUNTY) was directed by the Court, on October 3, 2000, to practice under a proctorship for a period of two years. Mr. Zeitler was also reprimanded by the Court for failing to act diligently in handling a personal injury matter and failing to communicate with his client. *In re Zeitler, 165 N.J. 503, 2000*). Mr. Zeitler's proctor is Allan Blacher of Elizabeth.

During calendar year 2001, eight attorneys were added to the list of those being monitored by the OAE:

Balint, DeZao, Hallett, Nealy, Regojo, Roberson, Shapiro and Silber.

A total of eight attorneys were removed from the OAE supervision list:

**LOUIS ALUM** of Guttenberg (HUDSON COUNTY) who successfully completed his community service requirement.

**MARK D. CUBBERLEY** of Hamilton (MERCER COUNTY) who was suspended from the practice on March 30, 2001.

**DAVID PAUL DANIELS** of Camden (CAMDEN COUNTY) who successfully completed his proctorship requirement.

**PAUL A. DYKSTRA** of Hasbrouck Heights (BERGEN COUNTY) who successfully completed his proctorship requirement.

**E. LORRAINE HARRIS** of Gibbstown (GLOUCESTER COUNTY) who was suspended from the practice on June 4, 2001.

**KIMBERLY A. HINTZE** of Jersey City (HUDSON COUNTY) who was suspended from the practice on January 17, 2001.

**ELLIOTT D. MOORMAN** of East Orange (ESSEX COUNTY) who successfully completed his proctorship requirement.

**DONALD F. TOMPKINS** of Wayne (PASSAIC COUNTY) who successfully completed his quarterly trust account reconciliation requirement.

# Summary of Public Discipline

## Office of Attorney Ethics

January 1, 2001 - December 31, 2001

<u>Attorney</u>	<u>Admitted</u>	<u>Location</u>	<u>Decided</u>	<u>Effective</u>
<b><u>Revocation</u> (1)</b>				
Czmus, Akim E.	N/A	Camden	12/04/2001	12/04/2001
<b><u>Disbarment</u> (11)</b>				
Bell, Glendon G.	1978	Gloucester	09/19/2001	09/19/2001
Benitz, Thomas	1975	Middlesex	10/17/2001	10/17/2001
Butler, Gail D.	1987	New York	10/02/2001	10/02/2001
Daly, Kevin J.	1980	Union	12/04/2001	12/04/2001
Dean, Dalwyn T.	1987	Essex	10/02/2001	10/02/2001
Gasper, William C., Jr.	1979	Ocean	10/02/2001	10/02/2001
Goldstein, Jerrold	1967	Somerset	05/08/2001	05/08/2001
Lester, Althear A.	1969	Essex	10/02/2001	10/02/2001
Maguire, James J., Jr.	1974	Mercer	01/19/2001	01/19/2001
Purzycki, Stanley	1963	Somerset	05/08/2001	05/08/2001
Seltzer, Steven T.	1985	New York	10/02/2001	10/02/2001
<b><u>Disbarment By Consent</u> (20)</b>				
Armstrong, James J., Jr.	1953	Mercer	12/19/2001	12/19/2001
Assad, David, Jr.	1983	Camden	05/11/2001	05/11/2001
Breyer, Hugh J.	1983	Mercer	03/09/2001	02/09/2001
Burgess, Ronald E.	1972	Monmouth	02/05/2001	02/05/2001
Byer, Willard E., Jr.	1973	Essex	12/27/2001	12/27/2001
Callahan, Thomas J.	1963	Bergen	05/14/2001	05/14/2001
Deck, Louis J.	1974	Somerset	03/27/2001	03/27/2001
Don, Berek Paul	1974	Bergen	03/27/2001	03/27/2001
Franco, Leonard H.	1980	Hudson	08/15/2001	08/15/2001
Griffin, Frank J.	1982	Camden	04/19/2001	04/19/2001
Krahn, Gerhard	1980	Bergen	06/04/2001	06/04/2001
Lynaugh, Thomas P.	1993	Bergen	03/28/2001	03/28/2001
Martelli, Leon J.	1983	Camden	09/24/2001	09/24/2001
McAndrew, Robert, Jr.	1993	Pennsylvania	05/24/2001	05/24/2001
Morrison, Myles C., III	1976	Sussex	07/17/2001	07/17/2001
Poquette, Jacqueline Jassner	1985	Morris	10/21/2001	10/21/2001
Rennie, Mark R.	1988	Union	09/11/2001	09/11/2001
Seagull, Lewis M.	1977	Union	01/12/2001	01/12/2001
Thuring, Richard M.	1970	Union	10/09/2001	10/09/2001
Valore, Carl J.	1960	Atlantic	12/20/2001	12/20/2001

Figure 10

<u>Attorney</u>	<u>Admitted</u>	<u>Location</u>	<u>Decided</u>	<u>Effective</u>
<b><u>Suspension</u> (60)</b>				
Ahrens, Hari G - 3 mo.	1984	Union	05/23/2001	06/23/2001
Alston, Gerald M. - 3 mo.	1989	Atlantic	03/07/2001	03/07/2001
Annenko, Luba - 6 mo.	1983	Camden	06/05/2001	07/05/2001
Annenko, Luba - 3 mo.	1983	Camden	02/06/2001	05/13/2001
Bocchieri, Thomas E. - 36 mo.	1986	Bergen	12/04/2001	06/23/1999
Brown, Thomas M. - 12 mo.	1993	Atlantic	06/05/2001	06/05/2001
Carroll, Richard J. - 12 mo.	1970	Hudson	12/04/2001	12/04/2001
Casey, Patrick M. - 3 mo.	1987	Atlantic	10/29/2001	10/29/2001
Clemmons, Patience R. - 3 mo.	1987	New York	09/06/2001	05/22/2001
Convery, Samuel V., Jr. - 3 mo.	1969	Middlesex	02/02/2001	02/23/2001
Couture, Michael Peter - 14 mo.	1973	New York	12/04/2001	02/03/1999
Daly, Kevin J. - 3 mo.	1969	Union	01/09/2001	01/09/2001
DeBosh, James S. - 3 mo.	1992	Warren	12/04/2001	01/02/2002
DeFrancis, Alexander A. - 3 mo.	1987	New York	11/14/2001	11/14/2001
DeLello, Salvatore, Jr. - 36 mo.	1983	Middlesex	06/05/2001	08/31/1999
Dudas, John J., Jr. - 6 mo.	1968	Bergen	03/07/2001	02/26/2000
Farkas, Jules - 3 mo.	1983	Camden	07/05/2001	07/05/2001
Forkin, Thomas J. - 12 mo.	1995	Atlantic	04/26/2001	05/29/2001
Forkin, Thomas J. - 3 mo.	1995	Atlantic	06/19/2001	05/29/2001
Gasper, William C., Jr. - 6 mo.	1979	Ocean	07/12/2001	07/12/2001
Giovetis, Pete - 3 mo.	1994	Burlington	06/05/2001	06/05/2001
Griffin, Thomas W. - 12 mo.	1990	Morris	12/04/2001	08/11/1999
Haberman, Paul - 12 mo.	Pro Hac	New York	12/04/2001	12/04/2001
Hall, Sharon - 3 mo.	1995	Essex	07/12/2001	06/23/1999
Handfuss, Robert J. - 3 mo.	1984	Monmouth	10/02/2001	11/02/2001
Harris, E. Lorraine - 6 mo.	1994	Gloucester	05/08/2001	06/04/2001
Harris, E. Lorraine - 3 mo.	1994	Gloucester	05/08/2001	12/04/2001
Hazel, Scott R. - Indef.	1991	Pennsylvania	09/06/2001	09/06/2001
Hecker, Laurence A. - 3 mo.	1965	Ocean	03/07/2001	03/07/2001
Hoffmann, Howard J. - 12 mo.	1976	Hudson	09/06/2001	06/08/2000
Jaffe, Stephen R. - 3 mo.	1987	Camden	12/04/2001	01/07/2002
Khoudary, Nicholas - 24 mo.	1988	Middlesex	05/22/2001	08/06/1999
LaVergne, Eugene M. - 6 mo.	1990	Monmouth	06/19/2001	07/16/2001
Lawnick, Karl R. - 12 mo.	1988	Middlesex	10/02/2001	10/02/2001
Lawnick, Karl R. - 3 mo.	1998	Middlesex	06/05/2001	06/05/2001
Lisa, James R. - 6 mo.	1984	Hudson	07/12/2001	03/23/2000
Mandle, George J., Jr. - 3 mo.	1970	Union	11/14/2001	11/14/2001
Marotta, Libero - 24 mo.	1955	Bergen	05/22/2001	09/02/1999
May, Isadore H. - 12 mo.	1985	Atlantic	11/14/2001	12/14/2001
Mischel, Felice F. - 24 mo.	1980	New York	01/23/2001	03/11/1999
Paul, Russell E. - 3 mo.	1966	Gloucester	03/07/2001	03/07/2001
Payton, Ben W. - 3 mo.	1992	Middlesex	06/19/2001	07/16/2001
Pease, Clark - 3 mo.	1984	Camden	05/22/2001	05/22/2001
Perrone, John Jay - 18 mo.	1984	Monmouth	07/12/2001	03/23/2000
Rosenblatt, Michael J. - 6 mo.	1988	New York	11/14/2001	11/14/2001
Ross, Gerard V. - 3 mo.	1988	Essex	01/09/2001	01/09/2001
Ross, Gerard V. - 3 mo.	1988	Essex	01/09/2001	10/11/2001
Ross, Gerard V. - 6 mo.	1988	Essex	01/09/2001	04/11/2001

<u>Attorney</u>	<u>Admitted</u>	<u>Location</u>	<u>Decided</u>	<u>Effective</u>
Shapiro, Terry L. - 3 mo.	1974	Essex	07/05/2001	08/01/2001
Shearin, K. Kay - 12 mo.	1980	Delaware	03/07/2001	07/17/2000
Sheridan, Robert J. - Indef.	1986	Maryland	07/05/2001	01/10/2000
Spencer, Robert W. - 12 mo.	1966	New York	06/19/2001	08/16/1999
Spiess, Robert C. - 12 mo.	1981	Morris	11/14/2001	07/03/2000
Tannenbaum, Steven M. - 68 mo.	1977	Camden	04/02/2001	07/21/1995
Valore, Carl J. - 6 mo.	1960	Atlantic	07/12/2001	07/12/2001
VanRye, Kenneth - 3 mo.	1979	Bergen	05/22/2001	06/20/2001
West, John H. C. - 12 mo.	1989	Atlantic	01/09/2001	01/09/2001
Wildstein, Louis F. - 3 mo.	1978	Essex	07/05/2001	08/01/2001
Wolfe, James H., III - 3 mo.	1979	Essex	05/08/2001	06/04/2001
Wysoker, Jacob - 3 mo.	1951	Middlesex	10/29/2001	11/23/2001

**Reprimand (54)**

Arenstein, Robert D.	1979	Bergen	12/04/2001	12/04/2001
Augulis, Alan L.	1987	Somerset	02/21/2001	02/21/2001
Baiamonte, Anthony, III	1990	Ocean	12/04/2001	12/04/2001
Balint, Michael P.	1976	Middlesex	12/04/2001	12/04/2001
Balint, Michael P.	1976	Middlesex	12/04/2001	12/04/2001
Baumol, Robert	1982	Bergen	08/06/2001	08/06/2001
Benedetto, Conrad J.	1981	Burlington	05/08/2001	05/08/2001
Brooks, Frederic H.	1982	Essex	07/05/2001	07/05/2001
Bulloch, Thomas F.	1976	Atlantic	01/09/2001	01/09/2001
Chazkel, Michael F.	1972	Middlesex	11/14/2001	11/14/2001
Coley, James R., Jr.	1969	Ocean	11/14/2001	11/14/2001
D'Allesandro, John B.	1992	Union	08/03/2001	08/03/2001
Danastorg, Stephen	1994	Burlington	11/14/2001	11/14/2001
DeZao, James A.	1985	Morris	12/04/2001	12/04/2001
Dobis, Kenneth S.	1979	Ocean	11/14/2001	11/14/2001
Dorian, Howard M.	1978	Bergen	03/07/2001	03/07/2001
Ezor, Herbert R.	1971	Passaic	05/22/2001	05/22/2001
Falcone, Nino F.	1984	Hudson	10/02/2001	10/02/2001
Farkas, Jules	1983	Camden	01/26/2001	01/26/2001
Farkas, Jules	1983	Camden	01/26/2001	01/26/2001
Feintuch, Philip	1964	Hudson	05/22/2001	05/22/2001
Garcia, Gilberto	1987	Bergen	03/07/2001	03/07/2001
Gavin, Francis X.	1981	Warren	06/05/2001	06/05/2001
Gokhale, Vijay M.	1983	Essex	10/17/2001	10/17/2001
Hallett, Steve	1991	Mercer	06/05/2001	06/05/2001
Helt, Jay G.	1983	Monmouth	03/07/2001	03/07/2001
Hopkins, Mark L.	1972	Morris	12/27/2001	12/27/2001
Karasick, Ira	1989	Essex	10/02/2001	10/02/2001
Klein, Shmuel	1987	Bergen	11/27/2001	11/27/2001
Kraft, W. Randolph	1989	Monmouth	06/05/2001	06/05/2001
LaVergne, Eugene M.	1990	Monmouth	06/19/2001	06/19/2001
Levine, Walter C.	1965	Morris	06/05/2001	06/05/2001
Magid, Lawrence	1969	Arizona	06/05/2001	06/05/2001
Mandle, George J., Jr.	1970	Union	06/05/2001	06/05/2001

<u>Attorney</u>	<u>Admitted</u>	<u>Location</u>	<u>Decided</u>	<u>Effective</u>
McAlevy, Dennis D. S.	1965	Hudson	06/05/2001	06/05/2001
Militano, Thomas F.	1991	Sussex	02/06/2001	02/06/2001
Morrone, Charles	1996	Burlington	11/14/2001	11/14/2001
Nealy, Walter D.	1984	Bergen	12/04/2001	12/04/2001
Neiman, Joseph H.	1985	Bergen	06/05/2001	06/05/2001
Nielsen, Jeffrey F.	1990	Essex	04/02/2001	04/02/2001
Onorevole, Richard M.	1983	Morris	11/14/2001	11/14/2001
Payton, Ben W.	1992	Middlesex	03/07/2001	03/07/2001
Pinto, Harry J., Jr.	1965	Morris	06/19/2001	06/19/2001
Regojo, Fernando	1981	Hudson	11/14/2001	11/14/2001
Shapiro, Joel F.	1989	Middlesex	06/19/2001	06/19/2001
Silber, Benjamin A.	1976	Salem	03/07/2001	03/07/2001
Simms, Phillip J.	1974	Hunterdon	12/04/2001	12/04/2001
Solow, Joel M.	1974	Essex	04/02/2001	04/02/2001
Till, Peter W.	1974	Essex	05/08/2001	05/08/2001
Tobin, Irving	1957	Union	11/14/2001	11/14/2001
Tutt, James P.	1985	Essex	11/14/2001	11/14/2001
Verni, Anthony N.	1990	Essex	05/08/2001	05/08/2001
Wolfe, James H., III	1979	Essex	11/14/2001	11/14/2001
Wolfe, James H., III	1979	Essex	05/08/2001	05/08/2001

**Admonition (31)**

Beckles, Grafton E., II	1982	New York	12/21/2001	12/21/2001
Belfon, Angela C. W.	1993	Union	01/11/2001	01/11/2001
Brandeis, Tracy	1990	Camden	05/22/2001	05/22/2001
Cato, Oliver W.	1977	Essex	11/27/2001	11/27/2001
Corbett, Cassandra	1993	Union	01/11/2001	01/11/2001
D'Arienzo, Marc	1993	Monmouth	06/28/2001	06/28/2001
Douglas, Raymond	1976	Middlesex	11/27/2001	11/27/2001
Franks, Harry E.	1989	Atlantic	11/01/2001	11/01/2001
Gibbons, James T.	1975	Middlesex	04/04/2001	04/04/2001
Goodman, Eric J.	1973	Essex	07/20/2001	07/20/2001
Harris, Jacqueline R.	1990	Essex	06/29/2001	06/29/2001
Horowitz, Victor J.	1982	Middlesex	06/29/2001	06/29/2001
Kaplan, Ronald S.	1982	Essex	05/22/2001	05/22/2001
Kay, Gary A.	1975	Monmouth	02/15/2001	02/15/2001
Kraft, W. Randolph	1989	Monmouth	10/02/2001	10/02/2001
Kraft, W. Randolph	1989	Monmouth	05/22/2001	05/22/2001
Lopez, Juan A., Jr.	1985	Hudson	01/11/2001	01/11/2001
Lord, Robin K.	1986	Mercer	09/24/2001	09/24/2001
Marcus, Frederic L.	1974	Essex	05/07/2001	05/07/2001
Marshall, Leonora	1987	Essex	09/26/2001	09/26/2001
Morrison, Mahoney & Miller	N/A	Bergen	12/15/2001	12/15/2001
Moutis, Peter	1985	Bergen	10/05/2001	10/05/2001
Mun Sat, Michelle J.	1980	Essex	03/20/2001	03/20/2001
Oxford, Sanford	1973	Essex	07/03/2001	07/03/2001
Oxford, Nancy I.	1977	Essex	07/03/2001	07/03/2001
Sayer, Jeri L.	1985	Union	01/11/2001	01/11/2001

<u>Attorney</u>	<u>Admitted</u>	<u>Location</u>	<u>Decided</u>	<u>Effective</u>
Schnitzer, Stephen	1968	Essex	12/21/2001	12/21/2001
Serratelli, Allan	1976	Essex	11/27/2001	11/27/2001
Sternstein, Marilyn	1980	Gloucester	11/01/2001	11/01/2001
Thomas, Richard R., III	1996	Essex	06/29/2001	06/29/2001
Tomlinson, R. Tyler	1995	Camden	11/02/2001	11/02/2001

**Disability Inactive Status (3)**

Belfon, Angela C. W.	1993	New York	06/05/01	06/05/01
Farkas, Jules	1983	Camden	07/05/01	10/06/01
Zukowski, H. Michael	1980	Florida	03/20/01	03/20/01

**TOTAL FINAL DISCIPLINE ..... 180**

**Interim Suspensions (20)**

Aubato, Charles S.	1980	Monmouth	11/26/2001	11/26/2001
Belardi, Gene Piero	1976	Virginia	02/02/2001	02/02/2001
Borek, Joseph M., Jr.	1987	Passaic	12/04/2001	12/04/2001
Comerford, Colleen Mary	1988	Pennsylvania	01/26/2001	01/26/2001
Conway, Charles D.	1976	Ocean	04/30/2001	05/05/2001
Cubberley, Mark D.	1984	Mercer	03/30/2001	03/30/2001
Donegan, Stuart B.	1992	Camden	05/22/2001	05/22/2001
Gallo, Stephen Andrew	1993	Bergen	03/22/2001	03/22/2001
Goldstein, Jerrold D.	1967	Union	04/30/2001	04/30/2001
Hintze, Kimberly A.	1991	Hudson	01/17/2001	01/17/2001
Kranzler, Jonathan H.	1992	Bergen	11/14/2001	11/14/2001
Luvara, David F.	1989	Gloucester	10/15/2001	10/15/2001
Magnola, Michael L.	1976	Union	04/05/2001	05/07/2001
Panarella, Nicholas, Jr.	1974	Burlington	04/02/2001	04/02/2001
Pasternak, Steven	1982	Essex	10/02/2001	10/02/2001
Pec, James I., IV	1974	Essex	10/25/2001	10/25/2001
Peterman, Roger C.	1983	Bergen	12/04/2001	12/04/2001
Price, Arthur Kenneth	1974	Essex	11/14/2001	11/14/2001
Rhodes, Kirk D.	1981	Union	06/27/2001	06/27/2001
Scola, Marc M.	1993	Warren	07/23/2001	07/23/2001

**Temporary License Restriction (1)**

Roberson, James O., Jr.	1986	Bergen	06/05/2001	06/05/2001
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**Temporary Disability-Inactive (3)**

Curcio, David A.	1981	Cumberland	07/24/2001	07/24/2001
Daunno, Theodore W.	1975	Essex	12/19/2001	12/19/2001
Fraser, Winston W.	1975	Essex	10/15/2001	10/15/2001

**TOTAL TEMPORARY DISCIPLINE ..... 24**

<u>Attorney</u>	<u>Suspended</u>	<u>Location</u>	<u>Decided</u>	<u>Effective</u>
<b><u>Reinstatements (13)</u></b>				
Banks, Glenn W.	04/03/1997	Bergen	01/01/2001	01/01/2001
Charney, Nathaniel K.	05/17/1999	New York	01/01/2001	01/01/2001
Convery, Samuel V., Jr.	02/23/2001	Middlesex	08/30/2001	08/30/2001
Hecker, Lawrence A.	04/02/2001	Ocean	08/28/2001	08/29/2001
Khoudary, Nicholas	08/06/1999	Middlesex	09/18/2001	09/18/2001
Mischel, Felice F.	03/11/1999	New York	05/30/2001	05/30/2001
Newton, Carol Powe	08/13/1999	Passaic	03/27/2001	03/27/2001
Paul, Russell E.	04/09/2001	Gloucester	07/09/2001	07/09/2001
Perrone, John Jay	02/23/2000	Monmouth	09/18/2001	09/18/2001
Power, John M.	07/20/2000	New York	02/15/2001	02/15/2001
Rakov, Harris J.	04/19/1996	Bergen	07/27/2001	07/27/2001
Shapiro, Terry L.	08/01/2001	Essex	11/01/2001	11/01/2001
Wolfe, James H., III	06/04/2001	Essex	11/27/2001	11/27/2001
<b>TOTAL REINSTATEMENTS .....</b>				<b>13</b>

### **Statistical Summary of 2001 Discipline Imposed**

**All Final Discipline 180**

Revocation	1
Disbarment	11
Disbarment By Consent	20
Suspension	60
Reprimand	54
Admonition	31
Disability Inactive	3

**All Temporary Discipline 24**

Interim Suspension	20
Temporary License Restriction	1
Temporary Disability Inactive	3

**All Reinstatements 13**

**HARI G. AHRENS**  
167 N.J. 601 (2001)  
of Watchung (Union County)

Suspension 3 Months  
Decided: May 23, 2001  
Effective: June 23, 2001  
Admitted: 1984

*APPEARANCES BEFORE REVIEW BOARD*  
*Tangerla M. Thomas, Deputy Ethics Counsel,*  
*argued the cause on behalf of the Office of*  
*Attorney Ethics.*  
*James R. Wronko argued the cause for*  
*respondent.*

The Supreme Court of New Jersey approved a motion for a discipline by consent and held that a three-month suspension from the practice of law was the appropriate discipline for an attorney who admitted that she was in possession of cocaine, marijuana and narcotics paraphernalia.

**GERALD M. ALSTON**  
166 N.J. 597 (2001)  
of Atlantic City (Atlantic County)

Suspension 3 Months  
Decided: March 7, 2001  
Admitted: 1989

*APPEARANCES BEFORE REVIEW BOARD*  
*Eugene McCaffrey, Jr. argued the cause on*  
*behalf of the District IIIB (Burlington*  
*County) Ethics Committee.*  
*Gerald M. Alston, respondent, waived*  
*appearance.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who improperly used his residence to attempt to satisfy the bona fide office requirements of *Rule 1:21-1(a)* and knowingly made false statements to the Office of Attorney Ethics during the course of the investigation.

The respondent was previously disciplined in 1998 by a reprimand for practicing law in New Jersey while ineligible because of his failure to pay the annual attorney assessment, failure to maintain a bona fide law office in New Jersey, and failure to cooperate with

disciplinary authorities during the processing of that matter. *In re Alston, 154 N.J. 83.*

**LUBA ANNENKO**  
166 N.J. 365 (2001)  
of Cherry Hill (Camden County)

Suspension 3 Months  
Decided: February 6, 2001  
Effective: May 13, 2001  
Admitted: 1983

*APPEARANCES BEFORE REVIEW BOARD*  
*Walton W. Kingsbery, III, Deputy Ethics*  
*Counsel, argued the cause on behalf of the*  
*Office of Attorney Ethics.*  
*Luba Annenko, respondent, failed to appear.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who failed to act diligently in representing a client in a post-judgment matrimonial proceeding to terminate the client's child support obligations. The respondent also failed to keep the client informed as to the status of the matter and failed to cooperate with disciplinary authorities during the investigation and processing of this matter.

The respondent has an extensive disciplinary history. In 1988, she received a private reprimand for gross neglect and failure to communicate with a client for 18 months and allowing a complaint to be dismissed for lack of prosecution. In 1992, respondent received a second private reprimand for lack of diligence. The respondent there failed to file an answer on the client's behalf, resulting in the entry of a default judgment. Furthermore, the respondent failed to take action, as requested by the client, on a writ of execution on the judgment. The respondent was temporarily suspended from the practice of law in 1999 for failure to comply with a fee arbitration award. *In re Annenko, 158 N.J. 184 (1999)*. She was restored to practice law by court order dated July 19, 1999. *In re Annenko, 159 N.J. 564*. In 2000, the respondent was suspended from the practice of law for a period of six months for abandoning two clients after they had paid her retainers, failing to cooperate with the Office of Attorney Ethics during its investigation of these matters, failing to maintain a bona fide law office and failing to maintain proper trust and business accounts

in New Jersey banking institutions, as required by court rule. *In re Annenko*, 165 N.J. 508.

**LUBA ANNENKO**  
167 N.J. 603 (2001)  
of Cherry Hill (Camden County)

Suspension 6 Months  
Decided: June 5, 2001  
Effective: July 5, 2001  
Admitted: 1983

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Walton W. Kingsbery, III, Deputy Ethics Counsel, represented the Office of Attorney Ethics.  
Luba Annenko, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of six months was the appropriate discipline for an attorney who accepted \$630 from her client to file a motion to reopen a bankruptcy petition and then did no work whatsoever on the file. The respondent then failed to refund the unearned retainer and also failed to keep the grievant informed about the status of his case.

The respondent has a substantial disciplinary history. In 1988, she was privately reprimanded for neglecting a contract matter and for failing to communicate with the client for approximately 18 months. In 1992, she received another private reprimand for failure to file an answer on her client's behalf, resulting in a default judgment against the client. The respondent was temporarily suspended on May 6, 1999 for failure to comply with a fee arbitration award and to satisfy a sanction imposed by the Disciplinary Review Board. *In re Annenko*, 158 N.J. 184 (1999). She was reinstated on July 19, 1999. *In re Annenko*, 159 N.J. 564 (1999). In 2000, the respondent was suspended from the practice of law for a period of six months for abandoning two clients after they had paid her retainers, failing to cooperate with the Office of Attorney Ethics during its investigation of these matters, failing to maintain a bona fide office and failing to maintain proper trust and business accounts in New Jersey. *In re Annenko*, 165 N.J. 508. In 2001, the respondent was suspended for a period of three months effective May 13, 2001 for failing to act

diligently in representing a client in a post-judgment matrimonial proceeding to terminate the client's child's support obligations. The respondent also failed to keep the client informed as to the status of the matter and failed to cooperate with disciplinary authorities during the investigation and processing of this matter.

**ROBERT D. ARENSTEIN**  
170 N.J. 186 (2001)  
of Teaneck (Bergen County)

Reprimand

Decided: December 4, 2001  
Admitted: 1979

**APPEARANCES BEFORE REVIEW BOARD**

*Dennis W. Blake argued the cause on behalf of the District IIA (North Bergen) Ethics Committee.  
Michael L. Kingman argued the cause for the respondent.*

The Supreme Court of New Jersey held that an attorney engaged in conduct prejudicial to the administration of justice when, during the conduct of a deposition in a matrimonial matter, he physically removed the court reporter's hands from her machine when she refused to accept his direction to cease reporting.

**JAMES J. ARMSTRONG, JR.**  
170 N.J. 245 (2001)  
of Lawrenceville (Mercer County)

Disbarment by Consent  
Decided: December 19, 2001  
Admitted: 1953

**REPRESENTATIONS**

*Brian D. Gillet, Deputy Ethics Counsel, represented the Office of Attorney Ethics.  
Michael T. Hartsough represented the respondent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of a respondent who admitted that he could not successfully defend pending disciplinary charges alleging the knowing misappropriation of estate and clients' funds.

**DAVID ASSAD, JR.**  
*167 N.J. 283 (2001)*  
of Cherry Hill (Camden County)

Disbarment by Consent  
Decided: May 11, 2001  
Admitted: 1983

**REPRESENTATIONS**

*Walton W. Kingsbery, III, Deputy Ethics Counsel, represented the Office of Attorney Ethics.*

*Samuel C. Stretton was admitted pro hac vice to represent the respondent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of an attorney who admitted that he could not successfully defend himself against pending disciplinary charges alleging the knowing misappropriation of clients' trust funds.

The respondent was previously disciplined in 2000 for engaging in the practice of law in New Jersey after being declared ineligible to do so by the Supreme Court for failure to pay his 1997 annual attorney registration fee and for failing to maintain a bona fide law office in accordance with R. 1:21-1(a). *In re Assad, 164 N.J. 615.*

**ALAN L. AUGULIS**  
*166 N.J. 390 (2001)*  
of Warren (Somerset County)

Reprimand  
Decided: February 21, 2001  
Admitted: 1987

**APPEARANCES BEFORE REVIEW BOARD**  
*Israel D. Dubin argued the cause on behalf of the Committee on Attorney Advertising.*  
*Alan L. Augulis, respondent, argued the cause pro se.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who published and distributed a flyer with the Star Ledger, a newspaper of general circulation in New Jersey. The flyer provided general information about living trusts and invited the reader to attend a free public seminar. The advertisement in question had the potential to mislead prospective clients and also contained a statement that was inherently comparative

and prohibited by ethics rules.

**ANTHONY BAIAMONTE, III**  
*170 N.J. 184 (2001)*  
of Toms River (Ocean County)

Reprimand  
Decided: December 4, 2001  
Admitted: 1990

**APPEARANCES BEFORE REVIEW BOARD**  
*Valter H. Must argued the cause on behalf of the District IIIA (Ocean County) Ethics Committee.*  
*Dominic J. Aprile argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who, in two client matters, engaged in lack of diligence, failure to communicate, failure to expedite litigation and failure to turn over the client file.

**MICHAEL P. BALINT**  
*170 N.J. 198 (2001)*  
of Plainsboro (Middlesex County)

Reprimand  
Decided: December 4, 2001  
Admitted: 1976

**APPEARANCES BEFORE REVIEW BOARD**  
*Andre W. Gruber argued the cause on behalf of the District VIII (Middlesex County) Ethics Committee.*  
*Donald S. Driggers argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who engaged in misconduct in three client matters. In a litigated matter, the respondent failed to properly serve the summons and complaint, failed to request an entry of default when no answer was filed, and, thereafter, allowed the matter to be dismissed and took no action to have it reinstated; in an estate matter, engaged in gross neglect by failing to have stock certificates transferred, failing to have a final accounting approved, and failing to adequately communicate with clients; and, in a divorce action, failed to take appropriate action to have a dismissal

reinstated, failed to pursue wage execution proceedings, and failed to transfer the client's support order to her new county of residence.

The Court also ordered that the respondent practice law under the supervision of a practicing attorney approved by the Office of Attorney Ethics until further order of the Court.

**MICHAEL P. BALINT**  
*170 N.J. 244 (2001)*  
of Plainsboro (Middlesex County)

Reprimand  
Decided: December 4, 2001  
Admitted: 1976

*APPEARANCES BEFORE REVIEW BOARD*  
*Andre W. Gruber argued the cause on behalf of the District VIII (Middlesex County) Ethics Committee.*  
*Donald S. Driggers argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who engaged in the practice of law while he was ineligible for failure to pay his annual attorney registration fee and also committed misconduct in four client matters. In a real estate matter, the respondent failed to act with diligence and violated an escrow agreement; in a litigated matter, engaged in gross neglect by failing to file an answer on his client's behalf on two separate occasions; in an estate matter, failed to adequately communicate with a beneficiary; and, in another estate matter, failed to act with diligence. Additionally, the Supreme Court ordered that respondent practice law under the supervision of a practicing attorney approved by the Office of Attorney Ethics until further order of the Court and that his status with Lawyers Concerned for Lawyers and/or Alcoholics Anonymous be monitored for a period of one year.

**ROBERT BAUMOL**  
*169 N.J. 471 (2001)*  
of Teaneck (Bergen County)

Reprimand  
Decided: August 6, 2001  
Admitted: 1982

*APPEARANCES BEFORE REVIEW BOARD*  
*Scott L. Weber argued the cause for the District VA (Essex/Newark) Ethics Committee.*  
*David M. Cohane argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand by consent was the appropriate discipline for an attorney who modified the date of a consent order vacating a default judgment against his client and placed his initials and that of his adversary next to the change. While the adversary had not consented to the entry of the order in the latter month, the respondent believed that he had the consent of his adversary.

**GRAFTON E. BECKLES, II**  
*Unreported (2001)*  
of Brooklyn, New York

Admonition  
Decided: December 21, 2001  
Admitted: 1982

*APPEARANCES BEFORE REVIEW BOARD*  
*Mark Denbeux argued the cause on behalf of the District VA (Essex-Newark) Ethics Committee.*  
*Grafton Edgar Beckles, II argued the cause pro se.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who failed to cooperate with disciplinary authorities, both during the investigation and hearing of a grievance.

**ANGELA C. W. BELFON**  
*Unreported (2001)*  
of Elizabeth (Union County)

Admonition  
Decided: January 11, 2001  
Admitted: 1993

*APPEARANCES BEFORE REVIEW BOARD*  
*Luanne M. Peterpaul argued the cause on behalf of the District XII (Union County) Ethics Committee.*  
*Angela C. W. Belfon, respondent, argued the cause pro se.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who grossly neglected a client's interest in a litigated matter and then, after the case was settled, failed to turn over the \$1,500 settlement funds to the client and also failed to keep the client informed of the status of the case.

**ANGELA C. W. BELFON**  
167 N.J. 605 (2001)  
of Elizabeth (Union County)

Disability Inactive Status  
Decided: June 5, 2001  
Admitted: 1993

*APPEARANCES BEFORE REVIEW BOARD*  
*Louanne M. Peterpaul argued the cause on behalf of the District XII (Union County) Ethics Committee.*  
*Angela C. W. Belfon, respondent, argued the cause pro se.*

Subsequent to the issuance of a six-month and three-month suspension on January 26, 1999, the Board recommended, and the Supreme Court ordered, respondent's transfer to Disability Inactive Status.

**GLENDON G. BELL**  
169 N.J. 481 (2001)  
of Woodbury (Gloucester County)

Disbarment  
Decided: September 19, 2001  
Admitted: 1978

*APPEARANCES BEFORE SUPREME COURT*  
*Thomas J. McCormick, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*Christopher C. Cana argued the cause for respondent.*

The Supreme Court of New Jersey held that disbarment was the appropriate discipline for an attorney who knowingly misappropriated over \$9,800 of funds received in settlement of a civil suit. The respondent had been temporarily suspended from the practice of law since September 21, 1999.

**CONRAD J. BENEDETTO**  
167 N.J. 280 (2001)  
of Marlton (Burlington County)

Reprimand  
Decided: May 8, 2001  
Admitted: 1981

*APPEARANCES BEFORE REVIEW BOARD*  
*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*Vincent J. Giusini argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who pled guilty in the state of South Carolina to a violation of *S.C. Code Ann. §40-5-320*, a misdemeanor involving the unauthorized practice of law. Specifically, the respondent had personal injury matters referred to him from South Carolina, a state in which he was not admitted to practice law, and entered into contingency fee agreements with clients and represented them in that state.

The respondent was previously privately reprimanded in New Jersey in 1988 for failure to maintain a bona fide law office.

**THOMAS BENITZ**  
169 N.J. 594 (2001)  
of Middlesex (Middlesex County)

Disbarment  
Decided: October 17, 2001  
Admitted: 1975

*APPEARANCES BEFORE SUPREME COURT*  
*Brian D. Gillet, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*Thomas Benitz, respondent, failed to appear.*

The Supreme Court of New Jersey held that disbarment was the appropriate discipline for an attorney who knowingly misappropriated a portion of client funds received in connection with an automobile accident claim. The respondent had been previously

disciplined. In 1999, he received a reprimand for failure to act with diligence, failure to communicate with a client, gross neglect and failure to expedite litigation. *In re Benitz*, 157 N.J. 637. In December 1999, in connection with allegations of knowing misappropriation of trust funds, the Office of Attorney Ethics filed a motion for respondent's temporary suspension which was granted in January of 2000. *In re Benitz*, 162 N.J. 188. In December 2000, respondent was suspended for three months for gross neglect, failure to communicate with a client, misrepresentation and failure to cooperate with disciplinary authorities. *In re Benitz*, 165 N.J. 666.

**THOMAS E. BOCCIERI**

170 N.J. 191 (2001)

of Woodcliff Lake (Bergen County)

Suspension 3 Years

Decided: December 4, 2001

Effective: June 23, 1999

Admitted: 1986

**APPEARANCES BEFORE REVIEW BOARD**

*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Kim D. Ringler argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three years was the appropriate discipline for an attorney who pled guilty in the United States District Court for the District of New Jersey to an information charging him with mail fraud, in violation of 18 U.S.C.A. §1341. The nature of respondent's offense was that, after he was discharged by his client, Communication Corporation of America, and without revealing that fact to the company's stock transfer agent, he improperly caused the agent to issue 42,500 shares of the company's common stock in his name. The respondent allegedly had the stock transferred to him because he was owed \$17,000 in legal fees by the client, which amount the client disputed. The Disciplinary Review Board noted that:

"But for the fact that respondent had a colorable claim that he was owed fees by C.A., he would be facing disbarment."

The respondent had been temporarily suspended from the practice of law since June 22, 1999. *In re Boccieri*, 158 N.J. 578.

**TRACY BRANDEIS**

*Unreported* (2001)

of Haddon Heights (Camden County)

Admonition

Decided: May 22, 2001

Admitted: 1990

**APPEARANCES BEFORE REVIEW BOARD**

*Phillip S. Fuoco argued the cause on behalf of the District IV (Camden and Gloucester Counties) Ethics Committee.*

*Tracy Brandeis, respondent, argued the cause pro se.*

The Disciplinary Review Board accepted a motion for discipline by consent and held that an admonition was the appropriate discipline for an attorney who practiced law in three cases in New Jersey and appeared at hearings during 1999, a period when the respondent was declared ineligible to practice law for failure to pay the 1999 annual attorney registration fee.

**HUGH J. BREYER**

166 N.J. 368 (2001)

of Lawrenceville (Mercer County)

Disbarment by Consent

Decided: February 9, 2001

Admitted: 1983

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Richard J. Engelhardt, Assistant Ethics Counsel, represented the Office of Attorney Ethics.*

*Robert N. Agre, represented the respondent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of a respondent submitted after the filing of a motion for final discipline with the Disciplinary Review Board. The respondent admitted that he could not successfully defend himself against pending disciplinary charges that, in 1987, his name was stricken from the roll of attorneys in the state of Illinois in the face of numerous charges that he filed false pauper's petitions in domestic relations matters, forged the notary signature on certain documents and

kept the filing fees given him by the clients when the fees were returned by the Court.

The respondent had been suspended from the practice of law for a period of three years in 2000, based upon his guilty plea in the Superior Court of New Jersey, Law Division, Mercer County, to an Accusation charging him with one count of failure to make a required disposition of property received, in violation of *N.J.S.A. 2C:20-9*. There, respondent, while employed as a law librarian for the Administrative Office of the Courts, sold and traded AOC law books to several companies without the knowledge or approval of the AOC and kept the money (\$16,145) from the sales and trades for himself. *In re Breyer, 163 N.J. 502*.

**FREDERIC H. BROOKS**

*169 N.J. 221 (2001)*

of East Orange (Essex County)

Reprimand

Decided: July 5, 2001

Admitted: 1982

**APPEARANCES BEFORE REVIEW BOARD**

*Tangerla Mitchell Thomas, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Ronald S. Sampson argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who failed to maintain proper trust and business account records, negligently misappropriated clients' trust funds and commingled clients' funds with personal funds. The respondent was previously disciplined in 1999 when he received a reprimand for failure to cooperate with disciplinary authorities in eight matters. *In re Brooks, 157 N.J. 640 (1999)*.

**THOMAS M. BROWN**

*167 N.J. 611 (2001)*

of Atlantic City (Atlantic County)

Suspension 1 Year

Decided: June 5, 2001

Admitted: 1993

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Walton W. Kingsbery, III, Deputy Ethics*

*Counsel, argued the cause on behalf of the District IIIA (Ocean County) Ethics Committee.*

*Thomas M. Brown, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of one year was the appropriate discipline for an attorney who, as an associate in a law firm, handled 20 to 30 client files in which he failed to conduct discovery, failed to file required pleadings and motions, failed to prepare or file necessary legal memoranda/briefs, and failed to prepare the matters for trial. The respondent also repeatedly misrepresented the status of cases to his supervisors and also misrepresented his whereabouts, when questioned by his supervisors, in order to conceal the status of the matters entrusted to him.

The respondent was previously reprimanded in 1999 for lack of diligence, failure to communicate and making misrepresentations. *In re Brown, 159 N.J. 530 (1999)*.

**THOMAS F. BULLOCK**

*166 N.J. 5 (2001)*

of Milmay (Atlantic County)

Reprimand

Decided: January 9, 2001

Admitted: 1976

**APPEARANCES BEFORE REVIEW BOARD**

*Marc L. Hurvitz argued the cause on behalf of the District I (Atlantic, Cumberland, Cape May and Salem Counties) Ethics Committee.*

*William B. Scatchard, Jr. argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who grossly neglected a personal injury action and failed to file a brief in connection with the appeal of the matter or to seek an extension of time to file an appeal or to reopen the appeal. The respondent also failed to inform the client for a period of 19 months that the appeal had been dismissed and sent the client misleading letters.

**RONALD E. BURGESS**

*166 N.J. 318 (2001)*  
of Sea Bright (Monmouth County)

Disbarment by Consent  
Decided: February 5, 2001  
Admitted: 1972

**REPRESENTATIONS**

*Brian D. Gillet, Deputy Ethics Counsel, represented the Office of Attorney Ethics. Daniel M. Waldman represented the respondent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of an attorney who admitted that he could not successfully defend pending disciplinary charges alleging the knowing misappropriation of estate funds. The respondent had been temporarily suspended from the practice of law since October 20, 2000. *In re Burgess, 165 N.J. 516.* The respondent received an admonition in 1998 for failing to handle an estate matter with diligence, failing to communicate with a client and failing to properly maintain an attorney business account.

**GAIL D. BUTLER**

*169 N.J. 572 (2001)*  
of New York, New York

Disbarment  
Decided: October 2, 2001  
Admitted: 1987

**APPEARANCES BEFORE SUPREME COURT**

*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics. Gail D. Butler, respondent, failed to appear.*

The Supreme Court of New Jersey held that disbarment was the only appropriate discipline for an attorney who was disbarred in New York upon her failure to cooperate with disciplinary authorities and uncontested evidence that she knowingly misappropriated client escrow funds.

**WILLARD E. BYER, JR.**

*170 N.J. 250 (2001)*  
of West Orange (Essex County)  
Disbarment by Consent

Decided: December 27, 2001  
Admitted: 1973

**REPRESENTATIONS**

*John J. Janasie, First Assistant Ethics Counsel, represented the Office of Attorney Ethics. Kenneth F. Kunzman represented the respondent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of an attorney who admitted that he could not successfully defend pending allegations that he knowingly misappropriated client trust and/or estate funds.

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

**THOMAS J. CALLAHAN**

*167 N.J. 310 (2001)*  
of Tenafly (Bergen County)

Disbarment by Consent  
Decided: May 14, 2001  
Admitted: 1963

**REPRESENTATIONS**

*John J. Janasie, First Assistant Ethics Counsel, represented the Office of Attorney Ethics. Dennis Calo represented the respondent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of an attorney who admitted that he could not successfully defend pending disciplinary charges alleging the knowing misappropriation of clients' trust funds.

**RICHARD J. CARROLL**

*170 N.J. 196 (2001)*  
of Secaucus (Hudson County)

Suspension 1 Year  
Decided: December 4, 2001  
Admitted: 1970

**APPEARANCES BEFORE REVIEW BOARD**  
*Nitza I. Blasini, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Richard J. Carroll, respondent, failed to appear.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of one year was the appropriate discipline for an attorney who allowed a client's complaint for damages arising out of an apartment fire to be dismissed for failure to prosecute and, in a second matter involving fire damage to another apartment, took no action whatsoever on the matter. Furthermore, the respondent misrepresented the status of the matter to the client by failing to disclose that her complaint had been dismissed. He also failed to cooperate with disciplinary authorities during the processing of this matter.

The respondent has an extensive disciplinary history. In 1984, he was privately reprimanded for grossly neglecting a matter. He received an admonition in 1995 for lack of diligence, failure to communicate, failure to turn over a client file to new counsel and failure to cooperate with disciplinary authorities. In 1997, the respondent received a second admonition for lack of diligence and failure to communicate with a client. Respondent was suspended for a period of three months in 1999 for gross neglect, lack of diligence and failure to cooperate with ethics authorities. *In re Carroll, 162 N.J. 97.* He was suspended for another three-month period in 2000 for failure to correct record keeping deficiencies and failure to cooperate with the Office of Attorney Ethics in connection with an audit. *In re Carroll, 165 N.J. 566.*

**PATRICK M. CASEY**  
*170 N.J. 6 (2001)*  
of Linwood (Atlantic County)

Suspension 3 Months  
Decided: October 29, 2001  
Admitted: 1987

**APPEARANCES BEFORE REVIEW BOARD**  
*Michael E. Benson argued the cause on behalf of the District I (Atlantic, Cumberland, Cape May and Salem Counties) Ethics Committee.*  
*Patrick M. Casey, respondent, waived appearance for oral argument.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three

months was the appropriate discipline for an attorney who, in four separate client matters, engaged in gross neglect, a failure to expedite litigation by not pursuing his clients' claims, failure to communicate the status of the matters to his clients, making misrepresentations to the clients about the progress of their cases and displaying a pattern of neglect.

**OLIVER W. CATO**  
*170 N.J. 38 (2001)*  
of Maplewood (Essex County)

Admonition  
Decided: November 21, 2001  
Admitted: 1977

**APPEARANCES BEFORE REVIEW BOARD**  
*Walter Gigli argued the cause on behalf of the District VB (Suburban Essex) Ethics Committee.*  
*Oliver W. Cato, respondent, argued the cause pro se.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who grossly neglected a personal injury matter, failed to file a formal complaint, failed to communicate the status of the matter to clients and failed to maintain a bona fide office for the practice of law in New Jersey.

**MICHAEL F. CHAZKEL**  
*170 N.J. 69 (2001)*  
of East Brunswick (Middlesex County)

Reprimand  
Decided: November 14, 2001  
Admitted: 1972

**APPEARANCES BEFORE REVIEW BOARD**  
*Michael J. Sweeney, Deputy Ethics Counsel, represented the Office of Attorney Ethics.*  
*Arnold C. Lakind argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who charged an unreasonable fee in a collection matter, failed to set aside from his own share of the collections sufficient funds to pay the referring attorney's legal fees and improperly took a contingent fee under *R. 1:21-7*

on prejudgment interest.

**PATIENCE R. CLEMMONS**

*169 N.J. 477 (2001)*  
of Newark (Essex County)

Suspension 3 Months  
Decided: September 6, 2001  
Effective: May 22, 2001  
Admitted: 1987

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Walton W. Kingsbery, III, Deputy Ethics Counsel, represented the District VA (Essex/Newark) Ethics Committee. Patience R. Clemmons, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from the decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who grossly neglected a personal injury claim, failed to act with diligence, failed to communicate with his client and failed to cooperate with disciplinary authorities.

In 2000, the Supreme Court ordered a six month suspension for the respondent's conduct involving gross neglect, pattern of neglect, lack of diligence, failure to communicate, failure to return a client's funds and documents, and failure to cooperate with disciplinary authorities. *In re Clemmons, 165 N.J. 568.*

**JAMES R. COLEY, JR.**

*170 N.J. 73 (2001)*  
of Toms River (Ocean County)

Reprimand  
Decided: November 14, 2001  
Effective:  
Admitted: 1969

**APPEARANCES BEFORE REVIEW BOARD**

*Elizabeth D. Beranato argued the cause on behalf of the District IIIB (Burlington County) Ethics Committee. James R. Coley, Jr., respondent, argued the cause pro se.*

The Supreme Court of New Jersey held that a

reprimand was the appropriate discipline for an attorney who twice represented clients in a municipal court while ineligible to practice law for failure to pay his annual attorney registration fee.

**SAMUEL V. CONVERY, JR.**

*166 N.J. 298 (2001)*  
of Metuchen (Middlesex County)

Suspension 6 Months  
Decided: February 2, 2001  
Effective: February 23, 2001  
Admitted: 1969

**APPEARANCES BEFORE SUPREME COURT**

*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics. John D. Arseneault argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of six months was the appropriate discipline for an attorney who pled guilty in the United States District Court for the District of New Jersey to promoting employment or other benefit as a consideration for any "political activity", in violation of *18 U.S.C.A. §600 (the Hatch Act)*. Specifically, the respondent improperly attempted to influence a zoning board's decision in favor of his client by promising an individual that he would assist him in obtaining permanent employment with the county of Middlesex in exchange for assistance in obtaining favorable votes from two zoning board members.

**CASSANDRA CORBETT**

*Unreported (2001)*  
of Elizabeth (Union County)

Admonition  
Decided: January 12, 2001  
Admitted: 1993

**APPEARANCES BEFORE REVIEW BOARD**

*Nitza I. Blasini, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics. Cassandra Corbett, respondent, argued the cause pro se.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who negligently misappropriated over \$7,000 in client trust funds as a result of improper record keeping procedures. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**MICHAEL PETER COUTURE**

*170 N.J.189 (2001)*  
of Rochester, New York

Suspension 14 Months  
Decided: December 4, 2001  
Effective: February 3, 1999  
Admitted: 1973

**APPEARANCES BEFORE REVIEW BOARD**

*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Michael Peter Couture, respondent, waived appearance.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of 14 months (retroactive to February 3, 1999, the date he was first temporarily suspended in New York) was the appropriate discipline for an attorney who was suspended for the same time period by the Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department. The basis for respondent's suspension was a guilty plea in the state of Colorado to a charge of first degree arson. The respondent set a fire in a botched attempt to self-immolate in a friend's bathroom.

**AKIME CZMUS**

*170 N.J. 195 (2001)*  
of Merchantville (Camden County)

Revocation  
Decided: December 4, 2001  
Admitted: 1995

**APPEARANCES BEFORE REVIEW BOARD**

*Nitza I. Blasini, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Carl D. Poplar argued the cause for respondent.*

The Supreme Court of New Jersey held that an attorney's license to practice law in the state of New Jersey should be revoked. The respondent had been a medical doctor in the state of California and had surrendered his medical license in that state after disciplinary proceedings were instituted against him. He failed to disclose this information when he applied to Temple University Law School and, again, failed to disclose this information in response to specific questions on his New Jersey Bar application. In addition, he lied repeatedly throughout the attorney disciplinary process in New Jersey. In fact, the Disciplinary Review Board noted that:

"(W)e find that, respondent engaged in a pattern of deceit and misrepresentation to the hospitals where he was seeking privileges (in California), to the attorney disciplinary authorities, to the psychologist and psychiatrist he had retained as experts, to his attorney, to his character witnesses and to the (district ethics committees), in violation of RPC 8.1(a) and RPC 8.4(c)."

**JOHN B. D'ALESSANDRO**

*169 N.J. 470 (2001)*  
of Union (Union County)

Reprimand  
Decided: August 3, 2001  
Admitted: 1992

**APPEARANCES BEFORE REVIEW BOARD**

*Daniel J. O'Hern, Jr. argued the cause on behalf of the District VA (Essex/Newark) Ethics Committee.*

*Nancy McDonald argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand by consent was the appropriate discipline for an attorney who, in October 1998, witnessed and notarized an executed deed and notarized two affidavits of title, purportedly signed by four individuals, three of whom had not signed the documents in respondent's presence. Moreover, the signatures had been forged and the individuals who actually owned the property were unaware that their property was being sold.

**KEVIN J. DALY**  
166 N.J. 24 (2001)  
of Cranford (Union County)

Suspension 3 Months  
Decided: January 9, 2001  
Admitted: 1980

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Walton W. Kingsbery, III, Deputy Ethics Counsel, represented the Office of Attorney Ethics.*

*Kevin J. Daly, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who failed to act diligently in representing a client in conjunction with a post-judgment motion to enforce litigant's rights and to increase trial support. The respondent also failed to reasonably communicate with his client.

The respondent has been previously disciplined. In 1999, he was suspended from the practice of law for a period of three months in another post-judgment matrimonial matter and for misrepresenting to the client that he had filed the appropriate motion to resolve the issues when he had, in fact, not done so. *In re Daly, 156 N.J. 541.*

**KEVIN J. DALY**  
170 N.J. 200 (2001)  
of Cranford (Union County)

Disbarment  
Decided: December 4, 2001  
Admitted: 1980

**APPEARANCES BEFORE SUPREME COURT**

*Walton W. Kingsbery, III, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Kevin J. Daly, respondent, failed to appear.*

The Supreme Court of New Jersey held that disbarment was the appropriate remedy for an attorney who, in a series of six separate grievances, committed multiple instances of serious misconduct. He accepted retainers in matrimonial matters and then performed

very little work. In most instances, he failed to tell his clients of his suspension. Even when he complied with Supreme Court rules to disclose his suspension, he nevertheless violated them by referring clients to another attorney. Further, the respondent flagrantly disregarded the prohibition against practicing law while suspended. He also made numerous misrepresentations to his clients to mislead them about the status of their matters, grossly neglected their cases, causing financial harm to several clients. Moreover, he knowingly misappropriated \$2,000 in client trust funds.

Respondent has a history of discipline. In 1999, he was suspended for three months for gross neglect, lack of diligence, failure to communicate with a client, failure to notify a client of receipt of funds and to promptly deliver funds and conduct involving dishonesty, fraud, deceit and misrepresentation. *In re Daly, 156 N.J. 541.* In 2001, he was, again, suspended for an additional three months for lack of diligence and failure to communicate with a client. *In re Daly, 166 N.J. 24.*

**STEPHEN DANASTORG**

170 N.J. 72 (2001)  
of Marlton (Burlington County)

Reprimand  
Decided: November 14, 2001  
Admitted: 1994

**APPEARANCES BEFORE REVIEW BOARD**

*Arthur Penn argued the cause on behalf of the District IIIB (Burlington County) Ethics Committee.*

*Stephen Danastorg, respondent, argued the cause pro se.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who engaged in the practice of law in New Jersey without maintaining a bona fide law office. In this case, the law firm shared offices with an unrelated entity, had conference room privileges, together with 56 other offices on the same floor of their leased premises, and maintained no files or other documents at the New Jersey office.

**MARC D'ARIENZO**

*Unreported (2001)*  
of Summit (Union County)

Admonition  
Decided: June 28, 2001  
Admitted: 1993

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Scott W. Geldhauser argued the cause on behalf of the District IIIA (Ocean County) Ethics Committee.*  
*Marc D'Arienzo, respondent, argued the cause pro se.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who failed to maintain trust and business account records as required by *Rule 1:21-6*.

**DALWYN T. DEAN**  
*169 N.J. 571 (2001)*  
of Newark (Essex County)

Disbarment  
Decided: October 2, 2001  
Admitted: 1987

**APPEARANCES BEFORE SUPREME COURT**

*Walton W. Kingsbery, III, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*Thomas R. Ashley argued the cause for respondent.*

The Supreme Court of New Jersey held that disbarment was the appropriate discipline for an attorney who permitted a non-lawyer acquaintance, Gonzalo Camprubi-Soms (the director of an organization known as Solon Legal Foundation, which provided assistance to individuals being released from prison), unfettered access to her law office and to her clients' funds. Camprubi-Soms had pleaded guilty to real estate fraud and had been incarcerated, which facts were known to respondent. As a result, Camprubi-Soms stole approximately \$66,000 from respondent's clients. Respondent's lack of supervision of Camprubi-Soms constituted willful blindness, particularly in the cases in which the thefts occurred after respondent had been warned about Camprubi-Soms. This amounted to knowing misappropriation. In addition, in one matter, the respondent, herself, knowingly misappropriated her clients' funds. The Disciplinary Review Board, in recommending disbarment to the Supreme Court, summarized the matter as follows:

"The unfortunate picture that emerges from this record is one in which respondent totally deserted her clients. She turned her law practice over to Soms, a non-attorney and convicted felon. Respondent failed to protect her clients or their funds from Soms' greedy grasp. It is obvious from respondent's testimony that she did not even perform such perfunctory tasks as looking at her clients' files or returning their telephone calls. Her record keeping was virtually non-existent. Respondent was content to allow Soms to run her law office. He answered her telephone, opened and sorted her mail, met with her clients, prepared correspondence, reviewed her trust account records and essentially functioned as her associate/paralegal office manager. Respondent exercised no supervision over Soms and placed no controls over his activities. She did not establish any procedure to monitor his actions. Although she knew that Soms had pleaded guilty to a felony charge of real estate fraud, she allowed him unrestricted access to her attorney bank accounts, thereby allowing him to steal her clients' funds."

The respondent had been temporarily suspended from the practice of law since May 5, 1998. *In re Dean, 153 N.J. 355.*

**JAMES S. DeBOSH**  
*170 N.J. 185 (2001)*  
of Phillipsburg (Warren County)

Suspension 3 Months  
Decided: December 4, 2001  
Effective: January 2, 2002  
Admitted: 1992

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Phillip G. Gentile represented the District XIII (Hunterdon, Somerset and Warren Counties) Ethics Committee.*  
*James S. DeBosh, respondent, appeared pro se.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who, in representing two separate clients, engaged in

conduct involving gross neglect, lack of diligence, failure to communicate, failure to safeguard property, failure to release client funds and failure to cooperate with disciplinary authorities during the investigation and processing of this matter.

The respondent was previously reprimanded in 2000 for gross neglect, failure to communicate with a client, failure to prepare a written fee agreement and failure to cooperate with disciplinary authorities. *In re DeBosh*, 164 N.J. 618.

**LOUIS J. DECK**  
167 N.J. 37 (2001)  
of Martinsville (Somerset County)

Disbarment by Consent  
Decided: March 27, 2001  
Admitted: 1974

**REPRESENTATIONS**

*Richard J. Engelhardt, Assistant Ethics Counsel, represented the Office of Attorney Ethics.*

*Thomas O'Loughlin consulted with the respondent for the sole purpose of executing the Disbarment by Consent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of a respondent who was convicted in the United States District Court for the District of New Jersey of one count of conspiracy to commit bank fraud (18 U.S.C.A. 371) and three counts of bank fraud (18 U.S.C.A. 1344 and 2). The respondent had been temporarily suspended from the practice of law since June 29, 2000. *In re Deck*, 164 N.J. 339.

**ALEXANDER A. DeFRANCIS**  
170 N.J. 37 (2001)  
of Smithtown, New York

Suspension 3 Months  
Decided: November 14, 2001  
Admitted: 1987

**APPEARANCES BEFORE REVIEW BOARD**

*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Alexander A. DeFrancis, respondent, did not appear.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who had been disciplined in the state of New York for gross neglect of three matters, failure to communicate with clients in those matters, and for failure to cooperate with disciplinary authorities.

**SALVATORE DeLELLO, JR.**  
167 N.J. 604 (2001)  
of Piscataway (Middlesex County)

Suspension 36 Months  
Decided: June 5, 2001  
Effective: August 31, 1999  
Admitted: 1983

**APPEARANCES BEFORE REVIEW BOARD**

*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Salvatore De Lello, Jr., respondent, waived appearance.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three years was the appropriate discipline for an attorney who pled guilty in the Superior Court of New Jersey to the third degree crime of commercial bribery and breach of duty to act disinterestedly, in violation of N.J.S.A. 2C:21-10 (a)(2); the fourth degree crime of forgery, in violation of N.J.S.A. 2C:21-1(a)(2); the fourth degree crime of falsifying records, in violation of N.J.S.A. 2C:21-4(a); and the fourth degree crime of false swearing, in violation of N.J.S.A. 2C:28-2(a).

The respondent had been temporarily suspended from the practice of law in New Jersey since August 31, 1999. *In re DeLello*, 161 N.J. 137 (1999).

**JAMES A. DeZAO**  
170 N.J. 199 (2001)  
of Parsippany (Morris County)

Reprimand  
Decided: December 4, 2001  
Admitted: 1985

*APPEARANCES BEFORE REVIEW BOARD*  
*Lewis M. Markowitz argued the cause on behalf of the District X (Morris County) Ethics Committee.*  
*Albert B. Jeffers argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who, in a series of three client matters, engaged in gross neglect, pattern of neglect, lack of diligence, failure to adequately communicate with a client, failure to explain a matter to the extent necessary to permit the client to make an informed decision and failure to supervise an associate attorney.

**KENNETH S. DOBIS**  
*170 N.J. 35 (2001)*  
of Forked River (Ocean County)

Reprimand  
Decided: November 14, 2001  
Admitted: 1979

*APPEARANCES BEFORE REVIEW BOARD*  
*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*Kenneth S. Dobis, respondent, waived appearance.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who pled guilty in the United States District Court for the District of New Jersey to a one count complaint charging him with importing protected wildlife (rattlesnakes) without a permit, a misdemeanor, in violation of *16 U.S.C.A. 3372(a)(2)*.

**BEREK PAUL DON**  
*167 N.J. 34 (2001)*  
of Englewood Cliffs (Bergen County)

Disbarment by Consent  
Decided: March 27, 2001  
Admitted: 1974

*REPRESENTATIONS*  
*Richard J. Engelhardt, Assistant Ethics Counsel, represented the Office of Attorney Ethics.*

*Paul B. Brickfield represented the respondent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of a respondent based upon his guilty plea to a federal information filed in the United States District Court for the District of New Jersey charging him with one count of mail fraud (*18 U.S.C.A. 1341*), one count of attempted income tax evasion (*26 U.S.C.A. 7201*), and one count of conspiracy to violate federal election laws (*18 U.S.C.A. 371*). The respondent had been temporarily suspended from the practice of law since June 3, 1999. *In re Don, 158 N.J. 489*.

**HOWARD M. DORIAN**  
*166 N.J. 558 (2001)*  
of Cliffside Park (Bergen County)

Reprimand  
Decided: March 7, 2001  
Admitted: 1978

*APPEARANCES BEFORE REVIEW BOARD*  
*Bennett D. Zurofsky argued the cause on behalf of the District VB (Suburban Essex) Ethics Committee.*  
*Anthony Ambrosio argued the cause on behalf of respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who, in a slip and fall case, engaged in gross neglect, lack of diligence and failure to communicate with a client.

In 1995, the respondent was admonished for failure to take action when his client's personal injury matter was mistakenly dismissed as settled, failure to properly turn over the client's file to her new attorney, and failure to reply to the ethics authority's request for information about the grievance.

**RAYMOND DOUGLAS**  
*Unreported (2001)*  
of Metuchen (Middlesex County)

Admonition  
Decided: November 27, 2001  
Admitted: 1976

*APPEARANCES BEFORE REVIEW BOARD*  
*Marc J. Bressler argued the cause on behalf of the District VIII (Middlesex County) Ethics Committee.*  
*Raymond Douglas, respondent, argued the cause pro se.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who grossly neglected a matrimonial matter.

**JOHN J. DUDAS, JR.**  
*167 N.J. 4 (2001)*  
of Dumont (Bergen County)

Suspension 6 Months  
Decided: March 7, 2001  
Effective: February 26, 2000  
Admitted: 1968

*APPEARANCES BEFORE REVIEW BOARD*  
*Joseph L. Mecca, Jr. represented the District IIA (North Bergen) Ethics Committee.*  
*John J. Dudas, Jr., respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of six months was the appropriate discipline for an attorney who engaged in the practice of law during the period of December 1994 to September 1995, despite the fact that, during that period, he was declared ineligible to practice law because of his failure to pay the annual attorney registration fee.

The respondent has a history of discipline. In 1995, the respondent received an admonition for failure to return client telephone calls and failure to cooperate with disciplinary authorities. On January 12, 1999, Mr. Dudas was suspended from the practice of law for a period of three months for lack of diligence, failure to safeguard property, unauthorized practice of law and failure to cooperate with disciplinary authorities. *In re Dudas, 156 N.J. 541 (1999)*. On December 10, 1999, the respondent was, again, suspended from the practice of law, this time for six months, for gross neglect, lack of diligence, failure to communicate, failure to cooperate with ethics authorities and conduct involving dishonesty, fraud, deceit or misrepresentation. *In re Dudas, 162 N.J. 101 (1999)*.

**HERBERT R. EZOR**  
*167 N.J. 594 (2001)*  
of Clifton (Passaic County)

Reprimand  
Decided: May 22, 2001  
Admitted: 1971

*REPRESENTATIONS BEFORE REVIEW BOARD*  
*Andrew Venturelli argued the cause on behalf of the District XI (Passaic County) Ethics Committee.*  
*Herman Osofsky argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who negligently misappropriated clients' trust funds and failed to comply with clients' reasonable requests for information regarding their cases.

**NINO F. FALCONE**  
*169 N.J. 570 (2001)*  
of North Bergen (Hudson County)

Reprimand  
Decided: October 2, 2001  
Admitted: 1984

*APPEARANCES BEFORE REVIEW BOARD*  
*John Ukegbu argued the cause on behalf of the District VI (Hudson County) Ethics Committee.*  
*Nino F. Falcone, respondent, argued the cause pro se.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who grossly neglected two client personal injury matters and misrepresented to the clients on several occasions that the matters were progressing when, in fact, he had actually lost the files and done nothing.

**JULES FARKAS**  
*166 N.J. 296 (2001)*  
of Cherry Hill (Camden County)

Reprimand and Disability Inactive Status  
Decided: January 26, 2001  
Admitted: 1983

*APPEARANCES BEFORE SUPREME COURT*

*Walton W. Kingsbery, III, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Jules Farkas, respondent, argued the cause pro se.*

The Supreme Court of New Jersey, having brought the matter on for an Order to Show Cause on its own motion, and on receipt of a certified record from and decision by the Disciplinary Review Board in two separate matters, held that a reprimand and transfer to disability inactive status was the appropriate discipline for an attorney who violated *RPC 1.3* (lack of diligence), *RPC 1.4(a)* (failure to communicate with his client), *RPC 1.5(b)* (failure to provide a written fee agreement), *RPC 1.16(d)* (failure to turn over the client's file on termination of representation), and who practiced law from September 5, 1997 through April 13, 1998 while he was declared ineligible to practice because of his failure to pay the annual attorney registration fee. The respondent was previously privately reprimanded in 1993 for lack of diligence and failure to adequately communicate with a client.

**JULES FARKAS**

*166 N.J. 220 (2001)*

of Cherry Hill (Camden County)

Reprimand and Disability Inactive Status

Decided: January 26, 2001

Admitted: 1983

*APPEARANCES BEFORE SUPREME COURT*

*Walton W. Kingsbery, III, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Jules Farkas, respondent, argued the cause pro se.*

The Supreme Court of New Jersey, having brought the matter on for an Order to Show Cause on its own motion, and on receipt of a certified record from and decision by the Disciplinary Review Board in two separate matters, held that a reprimand and transfer to disability inactive status was the appropriate discipline for an attorney who violated *RPC 1.3* (lack of diligence), *RPC 1.4(a)* (failure to communicate with his client), *RPC 1.5(b)* (failure to provide a written fee agreement), *RPC 1.16(d)* (failure to turn over the client's file on termination of representation) and who

practiced law from September 5, 1997 through April 13 1998 while he was declared ineligible to practice because of his failure to pay the annual attorney registration fee. The respondent had been privately reprimanded in 1993 for lack of diligence and failure to adequately communicate with a client.

**JULES FARKAS**

*169 N.J. 223 (2001)*

of Cherry Hill (Camden County)

Suspension 3 Months and

Disability Inactive Status

Decided: July 5, 2001

Admitted: 1983

*REPRESENTATIONS BEFORE REVIEW BOARD*

*Walton W. Kingsbery, III, Deputy Ethics Counsel, represented the Office of Attorney Ethics.*

*Jules Farkas, respondent, failed to appear.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three months, followed by transfer to Disability Inactive Status, was the appropriate discipline for an attorney who grossly neglected a client matter, failed to keep the client informed of the status of the matter, failed to cooperate with disciplinary authorities during the investigation of the case, and also failed to provide the client with a written retainer agreement, as required.

In 1993, respondent was privately reprimanded for lack of diligence and for failure to adequately communicate with a client. The respondent was also publicly reprimanded in 2001, followed by transfer to disability inactive status, as a result of unethical conduct in two matters, including lack of diligence, failure to communicate with a client, failure to provide a written fee agreement, failure to turn over the client's file and properly terminate representation and practicing law while ineligible. *In re Farkas, 166 N.J. 220.*

**PHILIP FEINTUCH**

*167 N.J. 590 (2001)*

of Jersey City (Hudson County)

Reprimand

Decided: May 22, 2001

Admitted: 1964

*APPEARANCES BEFORE REVIEW BOARD*  
*Nitza I. Blasini, Deputy Ethics Counsel,*  
*argued the cause on behalf of the Office of*  
*Attorney Ethics.*  
*Robert E. Margulies argued the cause for*  
*respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who negligently misappropriated over \$25,000. The respondent also improperly commingled client and personal funds by leaving earned fees in his trust account and failed to maintain proper trust and business accounting records, as required by *R. 1:21-6*.

**THOMAS J. FORKIN**  
*167 N.J. 154 (2001)*  
of Northfield (Atlantic County)

Suspension 1 Year  
Decided: April 26, 2001  
Effective: May 29, 2001  
Admitted: 1995

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Walter J. Ray argued the cause on behalf of*  
*the District I (Atlantic, Cumberland, Cape*  
*May and Salem Counties) Ethics Committee.*  
*Ann C. Pearl argued the cause on behalf of*  
*the District IV (Camden and Gloucester*  
*Counties) Ethics Committee.*  
*Francis J. Hartman argued the cause for*  
*respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of one year was the appropriate discipline for an attorney who committed multiple violations. In a series of four matters, the respondent was retained to pursue two matrimonial matters and two civil matters. He failed to follow through and failed to adequately protect his clients' interest when he closed his law practice. Respondent also failed to return unearned fees to three of these clients and closed his law practice without notice to at least two. In yet another matter, the respondent made misrepresentations to a tribunal in connection with a lawsuit over a Mercedes Benz automobile. The respondent had also altered the purchase price of the car in the documents submitted with the title application in the state of Pennsylvania.

**THOMAS J. FORKIN**  
*168 N.J. 167 (2001)*  
of Northfield (Atlantic County)

Suspension 3 Months  
Decided: June 19, 2001  
Effective: May 29, 2001  
Admitted: 1995

*APPEARANCES BEFORE REVIEW BOARD*  
*Sharon A. Ferrucci argued the cause on*  
*behalf of the District IV (Camden and*  
*Gloucester Counties) Ethics Committee.*  
*Francis J. Hartman argued the cause for*  
*respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who failed to promptly deliver trust funds to his client and then misrepresented to the client that he had deposited the funds in his trust account. The respondent also failed to comply with attorney record keeping requirements and also made misrepresentations to the Office of Attorney Ethics during the course of this investigation.

The respondent was disciplined previously in 2001 where he was suspended from the practice of law for a period of one year for multiple ethical violations. *In re Forkin, 167 N.J. 154.*

**LEONARD H. FRANCO**  
*169 N.J. 386 (2001)*  
of Hoboken (Hudson County)

Disbarment by Consent  
Decided: August 15, 2001  
Admitted: 1980

**REPRESENTATIONS**  
*Thomas J. McCormick, Assistant Ethics*  
*Counsel, represented the Office of Attorney*  
*Ethics.*  
*Gerald D. Miller represented the respondent.*

The Supreme Court of New Jersey accepted the disbarment by consent of an attorney who admitted that he could not successfully defend pending disciplinary charges alleging the knowing misuse of client trust funds.

This matter was discovered solely as a result of the Random Audit Compliance Program.

**HARRY E. FRANKS, JR.**

*Unreported (2001)*  
of Northfield (Atlantic County)

Admonition  
Decided: November 1, 2001  
Admitted: 1989

**APPEARANCES BEFORE REVIEW BOARD**

*Gary D. Wodlinger argued the cause on behalf of the District IIIA (Ocean County) Ethics Committee.*

*Michael A. Gill argued the cause for respondent.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who improperly withdrew from representation of a matrimonial client without taking reasonable steps to protect the client's interest or without filing a motion to be relieved as counsel.

**GILBERTO GARCIA**

*167 N.J. 1 (2001)*  
of Hackensack (Bergen County)

Reprimand  
Decided: March 7, 2001  
Admitted: 1987

**APPEARANCES BEFORE REVIEW BOARD**

*John D. Lynch argued the cause on behalf of the District VI (Hudson County) Ethics Committee.*

*Gilberto Garcia, respondent, waived appearance.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who, while representing one client in a divorce proceeding, proceeded to represent both that client and another client in a real estate matter, thus constituting a conflict of interest. Additionally, the respondent shared legal fees with a client.

**WILLIAM C. GASPER, JR.**

*169 N.J. 420 (2001)*  
of Whiting (Ocean County)

Suspension 6 Months  
Decided: July 12, 2001  
Admitted: 1979

**APPEARANCES BEFORE SUPREME COURT**

*Walton W. Kingsbery, III, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Bernard F. Boglioli argued the cause for respondent.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of six months was the appropriate discipline for an attorney who negligently misappropriated clients' trust funds, carried a negative trust balance for over a year, engaged in gross neglect and failed to communicate with clients. The respondent had been temporarily suspended from the practice of law since March 14, 2001. Previously, he was disciplined by reprimand in 1997 for violations of gross neglect, pattern of neglect, lack of diligence, failure to communicate, and conduct involving dishonesty, fraud, deceit or misrepresentation. *In re Gasper, 149 N.J. 20 (1997).*

**WILLIAM C. GASPER, JR.**

*169 N.J. 576 (2001)*  
of Whiting (Ocean County)

Disbarment  
Decided: October 2, 2001  
Admitted: 1979

**APPEARANCES BEFORE SUPREME COURT**

*Walton W. Kingsbery, III, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Bernard F. Boglioli argued the cause for respondent.*

The Supreme Court of New Jersey held that disbarment was the appropriate discipline for an attorney who knowingly misappropriated over \$290,000 of clients' trust funds. The respondent had been temporarily suspended from the practice of law since March 14, 2000. *In re Gasper, 163 N.J. 25.* In 1997, the respondent received a reprimand for creating a fictitious court order for the purpose of misleading his client about the status of a case, which matter he had grossly

neglected. *In re Gasper*, 149 N.J. 20. In 2001, the respondent was suspended from the practice of law for a period of six months for negligently misappropriating clients' trust funds.

**FRANCIS X. GAVIN**  
167 N.J. 606 (2001)  
of Hackettstown (Warren County)

Reprimand  
Decided: June 5, 2001  
Admitted: 1981

**REPRESENTATIONS BEFORE REVIEW BOARD**

*William S. Wolfson represented the District XIII (Hunterdon, Somerset and Warren Counties) Ethics Committee. Francis X. Gavin, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a reprimand was the appropriate discipline for an attorney who grossly neglected his client's post-divorce proceeding to enforce an alimony order previously entered, failed to comply with clients' reasonable requests for information, and failed to cooperate with disciplinary authorities during the investigation of this matter.

The respondent was previously reprimanded in 1998 for grossly neglecting a personal injury matter resulting in the running of the statute of limitations. The respondent, there, also failed to communicate with his client.

**JAMES T. GIBBONS**  
*Unreported (2001)*  
of Carteret (Middlesex County)

Admonition  
Decided: April 4, 2001  
Admitted: 1975

**APPEARANCES BEFORE REVIEW BOARD**

*Walton W. Kingsbery, III, Deputy Ethics Counsel, argued the cause for the Office of Attorney Ethics. James T. Gibbons, respondent, argued the cause pro se.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who failed to maintain a bona fide law office, as required by *R. 1:21-1(a)*, and practiced law in 1997 while he was on the Ineligible List of attorneys who failed to pay their Annual Attorney Registration fee.

**PETE GIOVETIS**  
167 N.J. 616 (2001)  
of Marlton (Burlington County)

Suspension 3 Months  
Decided: June 5, 2001  
Admitted: 1994

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Read S. Howarth represented the District IIIB (Burlington County) Ethics Committee. Pete Giovetis, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who represented two clients during a two-year period in which the respondent was ineligible to practice law in the state of New Jersey by reason of his failure to pay the annual attorney registration fee.

**VIJAY M. GOKHALE**  
170 N.J. 3 (2001)  
of Livingston (Essex County)

Reprimand  
Decided: October 17, 2001  
Admitted: 1983

**APPEARANCES BEFORE REVIEW BOARD**

*Sherilyn Pastor argued the cause on behalf of the District VA (Essex/Newark) Ethics Committee. Vijay M. Gokhale, respondent, argued the cause pro se.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who practiced law while on the Ineligible List during the years 1995 through 1997 and failed to maintain appropriate trust and business accounting records in accordance with *R. 1:21-6*.

**JERROLD D. GOLDSTEIN**  
167 N.J. 279 (2001)  
of North Plainfield (Somerset County)

Disbarment  
Decided: May 8, 2001  
Admitted: 1967

*APPEARANCES BEFORE SUPREME COURT*  
Michael J. Sweeney, Deputy Ethics Counsel,  
argued the cause on behalf of the Office of  
Attorney Ethics.

Pamela Brouse argued the cause for  
respondent.

The Supreme Court of New Jersey held that disbarment was the only appropriate discipline for an attorney who knowingly misappropriated clients' trust funds by knowing advancing fees to himself, taking excess fees, invading real estate escrows in order to cover overdrafts in his business account, and taking real estate escrow funds in order to pay personal loans. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

The respondent has a disciplinary history. In 1997, the respondent was reprimanded for negligent misappropriation of client funds and failure to comply with the record keeping requirements of Rule 1:21-6. *In re Goldstein*, 147 N.J. 287. Later, in 1997, the respondent was temporarily suspended pending a hearing on an order that he show cause why his temporary suspension should not continue until the final resolution of all ethics proceedings pending against him. *In re Goldstein*, 148 N.J. 467. Thereafter, the Court ordered that respondent be restored to the practice of law but practice under certain conditions including the supervision of a proctor and that all checks be co-signed by the proctor. *In re Goldstein*, 149 N.J. 88. On April 30, 2001, the respondent was temporarily suspended from the practice of law until further order of the Court.

**ERIC J. GOODMAN**  
*Unreported* (2001)  
of Irvington (Essex County)

Admonition  
Decided: July 20, 2001  
Admitted: 1973

*APPEARANCES BEFORE REVIEW BOARD*  
Lee A. Gronikowski argued the cause on  
behalf of the Office of Attorney Ethics.  
Eric J. Goodman, respondent, argued the  
cause pro se.

The Disciplinary Review Board held that an admonition by consent was the appropriate discipline for an attorney who, at a demand audit held by the Office of Attorney Ethics, demonstrated several attorney trust and business record keeping deficiencies in violation of *RPC 1.15(a)* and commingling of personal and trust funds. In addition, the respondent failed to promptly disburse the proceeds in an estate matter to the beneficiary after the bond was issued, thus engaging in a lack of diligence.

In 2000, the respondent was publicly reprimanded for grossly neglecting a slip and fall accident case for seven years by failing to file a complaint or to otherwise prosecute the claim. Respondent also failed to cooperate with disciplinary authorities during the investigation and prosecution of that matter. *In re Goodman*, 165 N.J. 567.

**FRANK J. GRIFFIN**  
167 N.J. 82 (2001)  
of Collingswood (Camden County)

Disbarment by Consent  
Decided: April 19, 2001  
Admitted: 1982

*REPRESENTATIONS*  
Walton W. Kingsbery, III, Deputy Ethics  
Counsel, represented the Office of Attorney  
Ethics.  
Francis J. Hartman represented the  
respondent.

The Supreme Court of New Jersey accepted the Disbarment by Consent of a respondent who admitted that he could not successfully defend pending formal disciplinary charges set forth in a complaint alleging the misappropriation of monthly rental payments which he was holding in escrow.

The respondent had been previously disciplined. In 1990, he was suspended for a period of 12 months for entering into a business transaction with a client whom he knew to be an alcoholic and with whom he was

cohabitating. The client pledged her home as collateral for a \$20,000 loan, three-fourths of which was paid to respondent. Full disclosure of the consequences of the transaction was not made and no independent counsel was secured to advise the client. Respondent later ceased repaying the loan as he had agreed, resulting in the client's being forced to sell the real estate in order to avoid foreclosure. *In re Griffin*, 121 N.J. 245 (1990).

**THOMAS W. GRIFFIN**  
170 N.J. 188 (2001)  
of Morris Plains (Morris County)

Suspension 1 Year  
Decided: December 4, 2001  
Effective: August 11, 1999  
Admitted: 1990

*APPEARANCES BEFORE REVIEW BOARD*  
*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*Thomas W. Griffin, respondent, argued the cause pro se.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of one year was the appropriate discipline for an attorney who was suspended for one year by the Supreme Court of New York, Appellate Division, Third Department, for grossly neglecting seven matters, failing to communicate with clients in four of those matters, and failing to cooperate with New York disciplinary authorities. The Court ordered that the one-year suspension be served retroactively beginning August 11, 1999, the same date that he was temporarily suspended by the state of New York for failure to cooperate with disciplinary authorities.

**PAUL HABERMAN**  
170 N.J. 197 (2001)  
of New York City, New York

Suspension 1 Year  
Decided: December 4, 2001  
Admitted: *Pro Hac*

*APPEARANCES BEFORE REVIEW BOARD*  
*Keith E. Lynott argued the cause on behalf of the District VA (Essex-Newark) Ethics Committee.*

*Paul Haberman, respondent, waived appearance.*

The Supreme Court of New Jersey held that a reprimand and a suspension for one year of the respondent's *pro hac vice* privileges was the appropriate discipline for an attorney who appeared in court in New Jersey, a state to which he was not admitted, on behalf of his New York/New Jersey law firm. The respondent was not candid with the Court in that he did not advise the court that he was not admitted to practice in New Jersey. The respondent also appeared as counsel at a deposition taken in connection with a Superior Court matter.

**SHARON HALL**  
169 N.J. 347 (2001)  
of South Orange (Essex County)

Suspension 3 Months  
Decided: July 12, 2001  
Effective: June 23, 1999  
Admitted: 1995

*REPRESENTATIONS BEFORE REVIEW BOARD*  
*John McGill, III, Deputy Ethics Counsel, represented the Office of Attorney Ethics.*  
*Sharon Hall, respondent, argued the cause pro se.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who, after being temporarily suspended from the practice of law on June 23, 1999 (*In re Hall*, 158 N.J. 579), failed to file the required affidavit of compliance in accordance with *R. 1:20-20* concerning suspended attorneys, was found in contempt by a judge for accusing her adversaries of being liars, maligning the Court, refusing to abide by the Court's instructions, intimating that there was a conspiracy between the Court and defense counsel and making baseless charges of racism against the Court. Finally, the respondent failed to cooperate with the Office of Attorney Ethics during the investigation and processing of these charges.

**STEVE HALLETT**  
167 N.J. 610 (2001)  
of Trenton (Mercer County)

Reprimand  
Decided: June 5, 2001  
Admitted: 1991

*APPEARANCES BEFORE REVIEW BOARD*  
*Maureen T. Slavin argued the cause on behalf of the District VIII (Mercer County) Ethics Committee.*  
*Vera A. Carpenter argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who was retained by a client to pursue a municipal court appeal and then failed to communicate with the client, failed to explain the matter to the extent reasonably necessary to permit the client to make an informed decision, failed to have a written fee agreement and filed a frivolous notice of appeal.

**ROBERT J. HANDFUSS**  
*169 N.J. 591 (2001)*  
of Matawan (Monmouth County)

Suspension 3 Months  
Decided: October 2, 2001  
Effective: November 2, 2001  
Admitted: 1984

*REPRESENTATIONS BEFORE REVIEW BOARD*  
*Russell J. Malta represented the District IX (Monmouth County) Ethics Committee.*  
*Robert J. Handfuss, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who grossly neglected a real estate closing by failing to record the deed for more than three months and failed to make timely payments of the insurance premium, sewer charges and real estate tax which resulted in financial injury to the client. In addition, respondent misrepresented to the client that the deed had been filed and that the home warranty premium had been paid.

The respondent had been previously disciplined. In 2000, he was reprimanded for filing a complaint on behalf of a client in connection with a motor vehicle

accident and then taking no further action in the matter. The respondent also failed to communicate with the client in any way resulting, ultimately, in the dismissal of the complaint. *In re Handfuss, 165 N.J. 569.*

**E. LORRAINE HARRIS**  
*167 N.J. 284 (2001)*  
of Gibbstown (Gloucester County)

Suspension 6 Months  
Decided: May 8, 2001  
Effective: June 4, 2001  
Admitted: 1994

*REPRESENTATIONS BEFORE REVIEW BOARD*  
*Arthur Leyden, III represented the District IIIA (Ocean County) Ethics Committee.*  
*E. Lorraine Harris, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of six months was the appropriate discipline for an attorney who knowingly made false statements of material fact to a tribunal in two separate matters. In one case, the respondent's letters to the Court led it to believe that she was unavailable to appear for hearing due to a family medical situation, not because she was scheduled to appear before another judge on a separate matter. The letter suggested that the family situation was such that it would have been an extreme hardship to appear in Court on that day, which was clearly not the case. In a second matter, the respondent also misrepresented to the Court that an appeal was pending when, in fact, she had received a copy of the dismissal order. In yet a third case, the respondent was found guilty of fee overreaching. Finally, she failed to cooperate with disciplinary authorities during the processing of this matter.

The respondent has a disciplinary history. In 1999, she was temporarily suspended from the practice of law following the filing of allegations that she misappropriated escrow funds. She was reinstated one month later subject to restrictions. In 2000, the respondent was again temporarily suspended for failure to refund a fee in accordance with a fee arbitration determination on a schedule set forth in a Supreme Court Order. Thereafter, she made the necessary payments and was reinstated.

In the year 2000, the respondent was reprimanded for failure to have a written fee agreement in two cases and by taking a contingent fee award in a case where she failed to have a written contingency fee agreement. The respondent also failed to cooperate with disciplinary authorities during the processing of this matter. *In re Harris, 165 N.J. 471*. In the year 2000, the respondent also received an admonition for failure to have a written fee agreement with a client.

**E. LORRAINE HARRIS**

*Unreported (2001)*

of Gibbstown (Gloucester County)

Suspension 3 Months

Decided: May 8, 2001

Effective: December 4, 2001

Admitted: 1994

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Susan Lynn Moreinis represented the District IV (Camden and Gloucester Counties) Ethics Committee.*

*E. Lorraine Harris, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who handled a speeding matter in less than a diligent manner by requesting repeated adjournments over a period of 11 months and then ultimately withdrawing as counsel on the date of trial. The respondent also made a misrepresentation to the Court that an adjournment had been granted for one court date, when no postponement had been granted, in fact.

The respondent has a disciplinary history. In 1999, she was temporarily suspended from the practice of law following the filing of allegations that she misappropriated escrow funds. She was reinstated one month later subject to restrictions. In 2000, the respondent was again temporarily suspended for failure to refund a fee in accordance with a fee arbitration determination on a schedule set forth in a Supreme Court Order. Thereafter, she made the necessary payments and was reinstated.

In the year 2000, the respondent was reprimanded

for failure to have a written fee agreement in two cases and by taking a contingent fee award in a case where she failed to have a written contingency fee agreement. The respondent also failed to cooperate with disciplinary authorities during the processing of this matter. *In re Harris, 165 N.J. 471*. In the year 2000, the respondent also received an admonition for failure to have a written fee agreement with a client.

**JACQUELINE R. HARRIS**

*Unreported (2001)*

of Newark (Essex County)

Admonition

Decided: June 29, 2001

Admitted: 1990

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Sherilyn Pastor argued the cause on behalf of the District VA (Essex-Newark) Ethics Committee.*

*Elliott H. Gourvitz argued the cause for respondent.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who, for over a year, engaged in the practice of law despite being declared ineligible to practice by reason of non-payment of her annual attorney registration fee.

**SCOTT RINE HAZEL**

*169 N.J. 475 (2001)*

of State College, Pennsylvania

Indefinite Suspension

Decided: September 6, 2001

Admitted: 1991

**APPEARANCES BEFORE REVIEW BOARD**

*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Scott Rine Hazel, respondent, failed to appear.*

The Supreme Court of New Jersey held that an indefinite suspension from the practice of law was the appropriate discipline for an attorney who was disciplined in the Commonwealth of Pennsylvania in 1997 after driving while under the influence. He was

placed on probation subject to terms and conditions relating to his alcoholism. After the respondent twice failed to abide by the conditions imposed, the Pennsylvania Disciplinary Board ordered a one year and one day suspension on March 1, 2000. The indefinite suspension in New Jersey will continue until such time as respondent is first reinstated to the practice of law in the Commonwealth of Pennsylvania.

**LAURENCE A. HECKER**

*167 N.J. 5 (2001)*  
of Toms River (Ocean County)

Suspension 3 Months  
Decided: March 7, 2001  
Effective: April 2, 2001  
Admitted: 1965

**APPEARANCES BEFORE REVIEW BOARD**

*John McGill, III, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Laurence A. Hecker, respondent, argued the cause pro se.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who engaged in gross neglect, lack of diligence, negligent misappropriation of trust funds, failure to safeguard client funds, record keeping violations and failure to supervise a non-lawyer assistant. The non-lawyer assistant had stolen monies from respondent previously. After his incarceration, the respondent rehired the assistant, who also had a history of addiction to drugs and alcohol. By his actions, respondent placed clients' funds at extreme risk and, in fact, the assistant, again, stole from an estate account for which the respondent was responsible.

**JAY G. HELT**

*166 N.J. 597 (2001)*  
of Holmdel (Monmouth County)

Reprimand  
Decided: March 7, 2001  
Admitted: 1983

**APPEARANCES BEFORE REVIEW BOARD**

*William G. Brigiani argued the cause on behalf of the District VIII (Middlesex County)*

*Ethics Committee.*

*Jay G. Helt, respondent, argued the cause pro se.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who failed to deliver the client's file to the client or the new attorney after termination of the attorney-client relationship.

The respondent was previously disciplined. In 1986, he was privately reprimanded for unethical conduct in a matrimonial matter, which included failure to communicate with his client and failure to communicate his fees in writing. In 1997, in a default matter, the respondent was reprimanded for failing to turn over files and failing to cooperate with disciplinary authorities. *In re Helt, 147 N.J. 273.*

**HOWARD J. HOFFMANN**

*169 N.J. 473 (2001)*  
of Little Ferry (Passaic County)

Suspension 1 Year  
Decided: September 6, 2001  
Effective: June 8, 2000  
Admitted: 1976

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Donald A. Klein represented the District VI (Hudson County) Ethics Committee.*

*Howard J. Hoffmann, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of one year was the appropriate discipline for an attorney who failed to act with diligence and record a mortgage and a deed in a real estate transaction, misrepresented the status of the matter to his client and falsely assured the client that the matter would be resolved, when, in fact, the respondent did nothing. Additionally, the respondent failed to cooperate with the District Ethics Committee during its investigation and processing of this matter.

The respondent has a substantial history of discipline. In 1998, he received a reprimand for lack of diligence, failure to communicate, conduct involving dishonesty, fraud, deceit or misrepresentation and

failure to cooperate with ethics authorities. *In re Hoffmann*, 154 N.J. 259. In 1999, respondent received a three month suspension for misconduct involving similar misconduct. *In re Hoffmann*, 156 N.J. 579. Again, in the year 2000, the respondent was suspended from the practice of law for a period of three months for gross neglect, lack of diligence, failure to communicate and failure to protect a client's interests upon termination of the representation. *In re Hoffmann*, 163 N.J. 4.

**MARK L. HOPKINS**  
170 N.J. 251 (2001)  
of Long Valley (Morris County)

Reprimand  
Decided: December 27, 2001  
Admitted: 1972

*APPEARANCES BEFORE REVIEW BOARD*  
*Joseph T. Delgado argued the cause on behalf of the District X (Morris and Sussex Counties) Ethics Committee.*  
*Mark L. Hopkins, respondent, argued the cause pro se.*

The Supreme Court of New Jersey accepted a motion for discipline by consent and determined that a reprimand was the appropriate discipline for an attorney who improperly represented both spouses in a matrimonial matter, while attempting to act as a "conciliator." The respondent also failed to provide a written retainer agreement to one of the clients.

**VICTOR J. HOROWITZ**  
*Unreported (2001)*  
of Piscataway (Middlesex County)

Admonition  
Decided: June 29, 2001  
Admitted: 1982

*REPRESENTATIONS BEFORE REVIEW BOARD*  
*Jean Ramatowski argued the cause on behalf of the District VIII (Middlesex County) Ethics Committee.*  
*Pamela Brause argued the cause for respondent.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an

attorney who engaged in a conflict of interest by filing a complaint for personal injury damages on behalf of the driver, as well as four passengers of a vehicle allegedly involved in an accident. At some point thereafter, the defendants were allowed to file an amended answer and a counterclaim against the driver of the vehicle, alleging contribution. Even though discovery revealed issues of liability against the driver, the respondent continued to represent all plaintiffs through the trial date, at which time the law firm was disqualified by the trial judge.

**STEPHEN R. JAFFE**  
170 N.J. 187 (2001)  
of Cherry Hill (Camden County)

Suspension 3 Months  
Decided: December 4, 2001  
Effective: January 7, 2002  
Admitted: 1987

*APPEARANCES BEFORE REVIEW BOARD*  
*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*Carl D. Poplar argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who pled guilty in the Superior Court of New Jersey, Law Division, Camden County, to an accusation charging him with one count of third degree theft by deception, in violation of N.J.S.A. 2C:20-4. The underlying theft involved obtaining approximately \$13,100 from Blue Cross/Blue Shield of New Jersey, Inc. by submitting false health insurance claims to that insurance company for specially prescribed baby formula.

**RONALD S. KAPLAN**  
*Unreported (2001)*  
of West Orange (Essex County)

Admonition  
Decided: May 22, 2001  
Admitted: 1982

*APPEARANCES BEFORE REVIEW BOARD*  
*Walton W. Kingsbery, III, Esq., Deputy Ethics*

*Counsel, argued the cause on behalf of the Office of Attorney Ethics.  
Joseph J. Discenza argued the cause for respondent.*

The Disciplinary Review Board accepted a motion for discipline by consent and determined that an admonition was the appropriate discipline for an attorney who, in representing a client, came into possession of settlement funds in which both the attorney's firm and the client's prior attorney claimed interest. Despite knowledge that the attorney's firm had entered into an agreement to pay the prior attorney one-third of the total attorney fee upon settlement of the case, the attorney failed to forward the fee to the prior attorney, thus failing to keep the funds separate until there was an accounting, in violation of *RPC 1.15(c)*.

**IRA KARASICK**  
*169 N.J. 570 (2001)*  
of Montclair (Essex County)

Reprimand  
Decided: October 2, 2001  
Admitted: 1989

**REPRESENTATIONS BEFORE REVIEW BOARD**  
*Dennis J. Smith represented the District VC (West Essex) Ethics Committee.  
Ira Karasick, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a reprimand was the appropriate discipline for an attorney who failed to communicate with his client for almost three years and failed to have a written fee agreement with the client, as required by *RPC 1.5(b)*. In addition, the respondent failed to file an answer to the formal complaint, which constituted a failure to cooperate with disciplinary authorities.

**GARY A. KAY**  
*Unreported (2001)*  
of Clarksburg (Monmouth County)

Admonition  
Decided: February 15, 2001  
Admitted: 1975

**APPEARANCES BEFORE REVIEW BOARD**  
*David M. Epstein argued the cause on behalf*

*of the District IX (Monmouth County) Ethics Committee.  
Gary A. Kay, respondent, argued the cause pro se.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who failed to reply to his client's numerous requests for information and status of its collection matter and who also failed to turn over client files to a new attorney after being relieved by his client.

**NICHOLAS KHOUDARY**  
*167 N.J. 593 (2001)*  
of East Brunswick (Middlesex County)

Suspension 2 Years  
Decided: May 22, 2001  
Effective: August 6, 1999  
Admitted: 1988

**APPEARANCES BEFORE REVIEW BOARD**  
*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.  
Michael Gilberti argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of two years was the appropriate discipline for an attorney who entered a guilty plea in the United States District Court for the District of New Jersey to structuring a monetary transaction to avoid reporting requirements in violation of *31 U.S.C.A. §5322(b)*, *5224(3)* and *5324 (a)(3)*, *31 C.F.R. §103.53* and *18 U.S.C.A. §2*. The respondent had been temporarily suspended from the practice of law since August 5, 1999.

**SHMUEL KLEIN**  
*170 N.J. 137 (2001)*  
of Mahwah (Bergen County)

Reprimand  
Decided: November 27, 2001  
Admitted: 1987

**APPEARANCES BEFORE SUPREME COURT**  
*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Shmuel Klein, respondent, argued the cause pro se.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who was suspended for a period of five years in the state of New York in 1997. The respondent engaged in unethical conduct in two matters. In 1994, in a bankruptcy matter, the respondent was sanctioned by the bankruptcy court for, among other things, misrepresentations to the court and improperly filing a second bankruptcy petition after the first petition had been dismissed. In the second matter, the respondent represented himself in defending a legal malpractice action. In that case, the order of the New York Supreme Court sanctioned respondent in the amount of \$1,000 for failing to obey various court orders.

**W. RANDOLPH KRAFT**

*Unreported (2001)*  
of Middletown (Monmouth County)

Admonition  
Decided: May 22, 2001  
Admitted: 1989

*APPEARANCES BEFORE REVIEW BOARD*  
*Ellen W. Smith represented the District IIB*  
*(South Bergen County) Ethics Committee.*  
*W. Randolph Kraft, respondent, argued the cause pro se.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who failed to diligently prosecute a medical malpractice claim and failed to communicate with his client. The lack of communication included failure to notify the client that the complaint had been dismissed for lack of prosecution. The respondent took no steps to restore the case to the active trial calendar.

**W. RANDOLPH KRAFT**

*167 N.J. 615 (2001)*  
of Middletown (Monmouth County)

Reprimand  
Decided: June 5, 2001  
Admitted: 1989

*APPEARANCES BEFORE REVIEW BOARD*  
*Gary E. Linderth argued the cause on behalf*

*of the District XII (Union County) Ethics Committee.*

*Frank R. Gioia argued the cause on behalf of the District VI (Hudson County) Ethics Committee.*

*Frederick J. Dennehey argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who failed to communicate with his clients in four separate matters, failed to explain a matter to the extent reasonably necessary to permit the client to make an informed decision about the representation in one case; failed to act with diligence in four matters; failed to communicate the basis or rate of the legal fee in writing in one matter and engaged in a conflict of interest in another matter.

The respondent was suspended by the Supreme Court on October 8, 1999, "pending the resolution of ethics proceedings against him." *In re Kraft, 162 N.J. 6.* In 2001, the respondent received an admonition for failing to prosecute a medical malpractice case diligently and failing to communicate with his client. The lack of communication included failure to notify the client that the complaint had been dismissed for lack of prosecution.

**W. RANDOLPH KRAFT**

*Unreported (2001)*  
of Middletown (Monmouth County)

Admonition  
Decided: October 2, 2001  
Admitted: 1989

*APPEARANCES BEFORE REVIEW BOARD*  
*Michael F. Brandman argued the cause on behalf of the District XII (Union County) Ethics Committee.*  
*W. Randolph Kraft, respondent, argued the cause pro se.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who failed to file a civil complaint on behalf of a client in a wrongful termination/employment discrimination matter for a period of several years. The respondent also failed to adequately communicate with the client concerning the status of her claim. The

respondent also failed to provide the client with a written retainer agreement as required by *RPC 1.5*.

**GERHARD KRAHN**

*167 N.J. 602 (2001)*

of Maywood (Bergen County)

Disbarment by Consent

Decided: June 4, 2001

Admitted: 1980

**REPRESENTATIONS**

*John J. Janasie, First Assistant Ethics Counsel, represented the Office of Attorney Ethics.*

*John E. Selser, III represented the respondent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of an attorney who admitted that he could not successfully defend himself against pending disciplinary charges of the knowing misappropriation of clients' trust funds.

**EUGENE M. LaVERGNE**

*168 N.J. 410 (2001)*

of Asbury Park (Monmouth County)

Suspension 6 Months

Decided: June 19, 2001

Effective: July 16, 2001

Admitted: 1990

**APPEARANCES BEFORE REVIEW BOARD**

*Brian D. Gillet, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Robert A. Weir, Jr. argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of six months was the appropriate discipline for an attorney who mishandled eight client matters. He exhibited a lack of diligence in six matters, failed to communicate in five, grossly neglected four, and failed to turn over the file upon termination of his representation in three cases. He also violated *RPC 1.15* and *R. 1:21-6* in connection with maintaining proper trust and business account records.

**EUGENE M. LaVERGNE**

*168 N.J. 409 (2001)*

of Asbury Park (Monmouth County)

Reprimand

Decided: June 19, 2001

Admitted: 1990

**APPEARANCES BEFORE REVIEW BOARD**

*Brian D. Gillet, Deputy Ethics Counsel, argued the cause for the Office of Attorney Ethics.*

*Robert A. Weir, Jr. argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who was found guilty in municipal court of theft by failure to make required disposition of property received, a disorderly person offense, in violation of *N.J.S.A. 2C:20-9*. In this case, respondent entered into an agreement to purchase an automobile, never made payments, and instead took possession of the vehicle and allowed it to be registered to a new owner.

**KARL R. LAWNICK**

*168 N.J. 108 (2001)*

of Iselin (Middlesex County)

Suspension 3 Months

Decided: June 5, 2001

Admitted: 1988

**APPEARANCES BEFORE REVIEW BOARD**

*Richard Galex argued the cause on behalf of the District VIII (Middlesex County) Ethics Committee.*

*William T. Harth argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who grossly neglected three client matters, failed to act with diligence, failed to communicate with his clients, failed to explain a matter to the extent necessary to permit the client to make an informed decision, charged an unreasonable fee, failed to expedite litigation and failed to cooperate with disciplinary authorities during the investigation of this matter.

The respondent has been previously disciplined. On August 10, 1998, he was temporarily suspended from the practice of law for failure to explain overdrafts of his attorney trust account and failure to meet conditions of a prior diversionary matter involving trust overdrafts. *In re Lawnick, 155 N.J. 117*. In 1999, the Supreme Court suspended the respondent for one year for misconduct in six matters, including gross neglect, pattern of neglect, lack of diligence, failure to communicate, failure to return unearned retainers, failure to return files on termination of representation, failure to cooperate with ethics authorities and misrepresentation. *In re Lawnick, 162 N.J. 113*. Also in 1999, the Supreme Court suspended the respondent for three months for a lack of diligence, failure to communicate with a client, failure to surrender documents and failure to cooperate with disciplinary authorities in a client matter. *In re Lawnick, 162 N.J. 115*.

**KARL R. LAWNICK**

*169 N.J. 574 (2001)*

of Perth Amboy (Middlesex County)

Suspension 1 Year

Decided: October 2, 2001

Admitted: 1988

*APPEARANCES BEFORE REVIEW BOARD*  
*Brian D. Gillet, Deputy Ethics Counsel,*  
*argued the cause on behalf of the Office of*  
*Attorney Ethics.*

*Karl R. Lawnick, respondent, waived*  
*appearance.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of one year was the appropriate discipline for an attorney who failed to maintain trust and business accounting records as required by *R. 1:21-6* and who practiced law in several cases after being earlier suspended for disciplinary reasons. The respondent also failed to communicate with clients and failed to comply with *R. 1:20-20* governing future activities of an attorney who has been suspended. This matter was discovered initially as the result of the Trust Overdraft Notification Program.

The respondent has a history of discipline. In 1998, the respondent was temporarily suspended from the practice of law for failure to comply with the

Supreme Court's Order requiring him to provide certain information to the Office of Attorney Ethics in connection with its investigation of his financial records. *In re Lawnick, 155 N.J. 117*. The Court imposed a three month suspension in 1999 for respondent's failure to act diligently to represent a client in a negligence matter, failure to keep the client reasonably informed of the status and failure to turn over his file to new counsel when requested. The respondent also failed to cooperate with disciplinary authorities by refusing to file an answer to a formal ethics complaint. In 1999, the respondent also received a one year suspension (consecutive to the three month suspension) when, in a series of six matters, he agreed to represent clients, but then did nothing. In five of the matters, he accepted retainers, ranging from \$500 to \$1500 and, thereafter, undertook no action on behalf of these clients. The respondent also refused to reply to any communications from his clients and, in every matter, refused to cooperate with the investigation conducted by the disciplinary system. *In re Lawnick, 162 N.J. 113*. Finally, in 2001, the respondent was suspended for a period of three months for grossly neglecting three client matters, failing to act with diligence, failing to communicate with his clients, failing to explain a matter to the extent necessary to permit the client to make an informed decision, charging an unreasonable fee, failing to expedite litigation, and failing to cooperate with disciplinary authorities during the investigation of these matters. *In re Lawnick, 168 N.J. 108*.

**ALTHEAR A. LESTER**

*169 N.J. 592 (2001)*

of Newark (Essex County)

Disbarment

Decided: October 2, 2001

Admitted: 1969

*APPEARANCES BEFORE SUPREME COURT*  
*Thomas J. McCormick, Assistant Ethics*  
*Counsel, argued the cause on behalf of the*  
*Office of Attorney Ethics.*

*Althear A. Lester, respondent, failed to*  
*appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that disbarment was the appropriate discipline for an attorney who knowingly

misappropriated funds from an estate.

The respondent has an extensive disciplinary history. In 1989, the respondent received a public reprimand for gross neglect in two matters, as well as for failure to carry out his contract of employment and failure to cooperate with disciplinary authorities. *In re Lester*, 116 N.J. 774. In 1992, the respondent was privately reprimanded for failing to communicate with a client. In 1996, he was again publicly reprimanded for failing to communicate, failing to release a file to a client and failure to supervise his office staff. *In re Lester*, 143 N.J. 130. The next year, in 1997, the respondent was suspended from the practice of law for a period of six months for grossly neglecting client files in a series of six matters. Additionally, in one matter, the respondent sent a letter to his adversary saying the adversary's secretary consented to an extension of time to file an answer, when that fact was knowingly false. Respondent also failed to cooperate in the investigation and processing of these disciplinary cases. *In re Lester*, 148 N.J. 86. In 2000, the respondent was suspended from the practice of law for a period of one year when he was retained by a client and then failed to attend to her matters for a period of eight years. In addition, the respondent failed to surrender the client's file to her new counsel when requested to do so and failed to reply to the Office of Attorney Ethics' requests for information. *In re Lester*, 165 N.J. 510.

**WALTER D. LEVINE**

167 N.J.608 (2001)

of Florham Park (Morris County)

Reprimand

Decided: June 5, 2001

Admitted: 1965

**APPEARANCES BEFORE REVIEW BOARD**

*John McGill, III, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Samuel N. Reiken argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who engaged in a conflict of interest in violation of *RPC 1.8(a)* when he borrowed money from his client without following the required safeguards; commingled

personal and trust funds in violation of *RPC 1.15(a)*; and, failed to comply with record keeping requirements in violation of *RPC 1.15(d)* and *R. 1:21-6*.

**JAMES R. LISA**

169 N.J. 419 (2001)

of Jersey City (Hudson County)

Suspension 6 Months

Decided: July 12, 2001

Effective: March 23, 2000

Admitted: 1984

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Joseph S. Sherman argued the cause on behalf of the District VI (Hudson County) Ethics Committee.*

*Samuel R. DeLuca argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of six months was the appropriate discipline for an attorney who attempted to set up an unethical fee sharing situation with another individual.

The respondent has a history of discipline. In 1995, he was admonished for using his trust account as a business account and failing to correct record keeping deficiencies. In 1998, respondent was suspended from the practice of law for three months for admitting to being under the influence of a controlled, dangerous substance, cocaine, having unlawful constructive possession of a controlled, dangerous substance, 0.73 grams of cocaine, and unlawful possession of drug paraphernalia. *In re Lisa*, 152 N.J. 455. In 1999, the respondent was suspended from the practice of law for one year for knowingly making a false statement of material fact to a court, practicing law while suspended and displaying dishonest conduct prejudicial to the administration of justice. *In re Lisa*, 158 N.J. 5.

**JUAN A. LOPEZ, JR.**

Unreported (2001)

of Jersey City (Hudson County)

Admonition

Decided: January 11, 2001

Admitted: 1985

**APPEARANCES BEFORE REVIEW BOARD**

*Sharon R. Mark argued the cause on behalf of the District VI (Hudson County) Ethics Committee.*

*Juan A. Lopez, Jr., respondent, argued the cause pro se.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who, while serving as an Assistant Municipal Prosecutor for the City of Jersey City, represented a client charged with possession of drugs who was prosecuted by the Hudson County Prosecutor's Office. This representation constituted a conflict of interest in violation of *R.1:15-3(b)* and *Advisory Opinion 239*, which prohibits a municipal prosecutor from representing an accused before the county court where the offense originated – or the accused resided – in the municipality for which the attorney is the prosecutor.

**ROBIN K. LORD**

*Unreported (2001)*  
of Trenton (Mercer County)

Admonition  
Decided: September 24, 2001  
Admitted: 1986

**APPEARANCES BEFORE REVIEW BOARD**  
*Sarah G. Crowley argued the cause on behalf of the District VII (Mercer County) Ethics Committee.*

*Allen Dexter Bowman argued the cause for respondent.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who, knowing that her client used six aliases in a prior municipal court appearance, failed to be candid and disclose to the judge in a subsequent municipal court matter the client's true name, when the client was, in fact, utilizing one of his many aliases.

**THOMAS P. LYNAUGH**

*167 N.J. 51 (2001)*  
of Tenafly (Bergen County)

Disbarment by Consent  
Decided: March 28, 2001  
Admitted: 1993

**REPRESENTATIONS**

*Richard J. Engelhardt, Assistant Ethics Counsel, represented the Office of Attorney Ethics.*

*John J. D'Anton represented the respondent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of an attorney who admitted that he could not successfully defend himself against pending disciplinary charges alleging the knowing misappropriation of client trust funds. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**LAWRENCE MAGID**

*167 N.J. 614 (2001)*  
of Phoenix, Arizona

Reprimand  
Decided: June 5, 2001  
Admitted: 1969

**APPEARANCES BEFORE REVIEW BOARD**  
*Thomas Gosse argued the cause on behalf of the District IV (Camden and Gloucester Counties) Ethics Committee.*

*Laurence Magid, respondent, waived appearance.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who failed to take proper steps to protect the client's interest on withdrawal after the attorney closed his practice and left for Arizona. The respondent also failed to communicate in one matter and failed to act diligently in another.

The respondent had previously been disciplined. In 1995, following a conviction for simple assault, the respondent was reprimanded. *In re Magid, 139 N.J. 449 (1995).*

**JAMES J. MAGUIRE, JR.**

*166 N.J. 87 (2001)*  
of Trenton (Mercer County)

Disbarment  
Decided: January 19, 2001  
Admitted: 1974

**APPEARANCES BEFORE SUPREME COURT**  
*Brian D. Gillet, Deputy Ethics Counsel,*

*argued the cause on behalf of the Office of Attorney Ethics.*  
*Albert B. Jeffers, Jr. argued the cause for respondent.*

The Supreme Court of New Jersey held that disbarment was the appropriate discipline for an attorney who engaged in egregious conflicts of interest when acting under a power of attorney from an elderly client whose funds he used as his own to fund business investments with sophisticated real estate developers and others. The Disciplinary Review Board described the respondent's representation of an elderly client as "appalling" and "disgraceful." The Board noted:

"Respondent's exploitation of his elderly client was more venal than that displayed by some attorneys who have been disbarred for knowing misappropriation. For his egregious, exceedingly cavalier, reckless handling of his client's funds, he should suffer no less serious consequences."

**GEORGE J. MANDLE, JR.**  
*167 N.J. 609 (2001)*  
of Linden (Union County)

Reprimand  
Decided: June 5, 2001  
Admitted: 1970

*APPEARANCES BEFORE REVIEW BOARD*  
*Gianfranco A. Pietrafesa argued the cause on behalf of the District XII (Union County) Ethics Committee.*  
*George J. Mandle, Jr., respondent, argued the cause pro se.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who, while practicing law under the supervision of a proctor based on a prior disciplinary case, failed to represent a client with diligence by not recording the deed and mortgage for five months after the closing and by not properly disbursing the closing funds and allowing them to remain stagnate in his attorney trust account. The respondent also failed to cooperate with the district ethics committee during its investigation of this matter.

The respondent was reprimanded in 1996 for misconduct in four matters, which included gross neglect, pattern of neglect, lack of diligence and failure to cooperate with the ethics authorities. *In re Mandle, 146 N.J. 520.* In 1999, the respondent was again reprimanded for gross neglect, lack of diligence and failure to communicate in an estate matter. *In re Mandle, 157 N.J. 68.*

**GEORGE J. MANDLE, JR.**  
*170 N.J. 70 (2001)*  
of Linden (Union County)

Suspension 3 Months  
Decided: November 14, 2001  
Admitted: 1970

*APPEARANCES BEFORE REVIEW BOARD*  
*Gianfranco A. Pietrafesa argued the cause on behalf of the District XII (Union County) Ethics Committee.*  
*George J. Mandle, Jr., respondent, waived appearance.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who failed to properly and timely prepare the state tax returns, resulting in the assessment to the estate of over \$7,000 in penalties and interest. Additionally, in that case, as well as another matter, the respondent failed to cooperate with disciplinary authorities.

The respondent has a disciplinary history. In 1996, he received a reprimand for misconduct in four matters, including pattern of neglect, gross neglect, failure to act with diligence and failure to cooperate with ethics authorities. *In re Mandle, 146 N.J. 520.* In 1999, he was reprimanded for gross neglect, lack of diligence and failure to communicate with a client. He was also ordered to return \$500 of a retainer to his client. *In re Mandle, 157 N.J. 68.* In 2001, the respondent was again reprimanded for failing to act diligently and failing to cooperate with disciplinary authorities during the investigation of the matter, all while he was practicing law under the supervision of a proctor under a prior disciplinary order. *In re Mandle, 167 N.J. 609.*

**FREDERIC L. MARCUS**  
*Unreported (2001)*  
of Newark (Essex County)

Admonition  
Decided: May 7, 2001  
Admitted: 1974

*APPEARANCES BEFORE REVIEW BOARD*  
*Mark Falk argued the cause on behalf of the District VA (Essex-Newark) Ethics Committee.*  
*Cynthia M. Craig argued the cause for respondent.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who represented both the driver and passenger in a motor vehicle accident. In an effort to avoid a possible conflict of interest, the respondent obtained another attorney's signature on one client's complaint.

**LIBERO MAROTTA**  
*167 N.J. 595 (2001)*  
of Edgewater (Bergen County)

Suspension 2 Years  
Decided: May 22, 2001  
Effective: September 2, 1999  
Admitted: 1955

*REPRESENTATIONS BEFORE REVIEW BOARD*  
*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*Richard L. Friedman argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of two years was the appropriate discipline for an attorney who pled guilty in the United States District Court for the District of New Jersey to one count of obstruction of justice. The respondent was initially temporarily suspended from the practice of law upon entry of his plea on September 2, 1999.

**LEONORA E. MARSHALL**  
*Unreported (2001)*  
of West Orange (Essex County)

Admonition  
Decided: September 26, 2001  
Admitted: 1987

*APPEARANCES BEFORE REVIEW BOARD*  
*Sherilyn Pastor argued the cause on behalf of the District VA (Essex-Newark) Ethics Committee.*  
*Leonora E. Marshall, respondent, argued the cause pro se.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who filed a notice of appeal from a criminal conviction, but thereafter failed to file an appellate brief, thereby causing the dismissal of the appeal. The respondent's conduct constituted a lack of diligence and a failure to communicate with the client.

**LEON MARTELLI**  
*169 N.J. 503 (2001)*  
of Camden (Camden County)

Disbarment by Consent  
Decided: September 24, 2001  
Admitted: 1983

*REPRESENTATIONS*  
*Walton W. Kingsbery, III, Deputy Ethics Counsel, represented the Office of Attorney Ethics.*  
*Charles H. Nugent, Jr. represented the respondent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of a respondent who admitted that he could not successfully defend pending disciplinary charges alleging the knowing misappropriation of clients' trust funds in an estate matter and in a civil suit settlement.

**ISADORE H. MAY**  
*170 N.J. 34 (2001)*  
of Ventnor (Atlantic County)

Suspension 1 Year  
Decided: November 14, 2001  
Effective: December 14, 2001  
Admitted: 1985

*APPEARANCES BEFORE REVIEW BOARD*  
*Thomas J. McCormick, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*Willis F. Flower argued the cause for*

*respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of one year was the appropriate discipline for an attorney who entered into an arrangement with his relative, attorney Norman I. Ross of Passaic County, to circumvent the ethical prohibition against representing both a driver and a passenger from the same accident in settlement of numerous personal injury claims. This arrangement continued over a four-year period and resulted in respondent permitting his brother-in-law, Ross, to forge May's signature on almost 70 personal injury complaints and to file them with the court in order to carry out the scheme. May derived a pecuniary benefit from the arrangement, receiving about \$24,000 in 33 of the cases alone.

This matter was discovered solely as a result of the Random Audit Program.

**DENNIS D. S. McALEVY**

*167 N.J. 607 (2001)*

of Union City (Hudson County)

Reprimand

Decided: June 5, 2001

Admitted: 1965

**APPEARANCES BEFORE REVIEW BOARD**

*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Dennis D. S. McAlevy, respondent, waived appearance.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who was reprimanded by the United States District Court for the District of New Jersey based upon ineffective assistance of counsel. Specifically, the respondent never informed his criminal defendant client that he had a right to testify in his own defense and that ultimately the decision was his. Instead, the respondent simply prohibited the client from testifying at trial despite the client's repeated pleas to do so.

The respondent was previously disciplined. In 1976, he received a reprimand for a lack of civility, good manners and common courtesy before the court and officers of the court. *In re McAlevy, 69 N.J. 349.* In

1983, the respondent was suspended for a period of three months for conduct prejudicial to the administration of justice, undignified or discourteous conduct degrading to a tribunal, and the intentional violation of an established rule of procedure. *In re McAlevy, 94 N.J. 201.*

**ROBERT McANDREW, JR.**

*167 N.J. 595 (2001)*

of Bethlehem, Pennsylvania

Disbarment by Consent

Decided: May 24, 2001

Admitted: 1993

**REPRESENTATIONS**

*Richard J. Engelhardt, Assistant Ethics Counsel, represented the Office of Attorney Ethics.*

*Philip D. Lauer represented the respondent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of a respondent who had been disbarred by consent in the Commonwealth of Pennsylvania. The basis of the disbarment was respondent's admission that he engaged in inappropriate conduct toward juveniles whom he was appointed to represent.

**THOMAS F. MILITANO**

*166 N.J. 367 (2001)*

of Newton (Sussex County)

Reprimand

Decided: February 6, 2001

Admitted: 1991

**REPRESENTATIONS BEFORE REVIEW BOARD**

*John C. Whipple represented the District X (Morris and Sussex Counties) Ethics Committee.*

*Thomas F. Militano, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a reprimand was the appropriate discipline for an attorney who, during the representation of a client in connection with a motor vehicle offense, participated in the preparation of a phony letter to mislead the client's mother that the

client had used the \$50 she had given him to apply for a municipal public defender, when the attorney knew that, in fact, this was untrue.

**FELICE F. MISCHEL**  
*166 N.J. 219 (2001)*  
of New York, New York

Suspension 2 Years  
Decided: January 23, 2001  
Effective: March 11, 1999  
Admitted: 1980

*APPEARANCES BEFORE REVIEW BOARD*  
*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*Neil Grossman argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of two years was the appropriate discipline for an attorney who pled guilty in the Supreme Court of the State of New York, County of New York, to a Superior Court information charging her with one count of offering a false instrument for filing, in violation of §175.35 of the *Penal Law of the State of New York*. The false instrument was a New York state tax return which she knew contained false and fraudulent deductions. The respondent had been suspended from the practice of law in the state of New Jersey since March 11, 1999. *In re Mischel, 157 N.J. 533 (1999)*.

**MORRISON, MAHONEY & MILLER**  
*Unreported (2001)*  
of Paramus (Bergen County)

Admonition  
Decided: December 5, 2001

*REPRESENTATIONS BEFORE REVIEW BOARD*  
*Richard C. McDonnell represented the District IIA (North Bergen) Ethics Committee. Morrison, Mahoney & Miller, Esqs., respondents, represented themselves.*

The Disciplinary Review Board accepted a motion for discipline by consent against a New York/New Jersey law firm and held that an admonition was the appropriate discipline for the firm which failed to

maintain attorney trust and business accounts in a New Jersey financial institution, as required by *R. 1:21-6*, failed to designate one of their New Jersey associates as responsible for the firm's New Jersey office, as required by *RPC 7.5*, and failed to indicate the jurisdictional limitations of attorneys not admitted to the New Jersey Bar on its letterhead.

**MYLES C. MORRISON, III**  
*169 N.J. 224 (2001)*  
of Andover (Sussex County)

Disbarment by Consent  
Decided: July 17, 2001  
Admitted: 1976

*REPRESENTATIONS*  
*John J. Janasie, First Assistant Ethics Counsel, represented the Office of Attorney Ethics.*  
*Richard I. Clark consulted with the respondent solely to insure the voluntariness of his actions.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of an attorney who admitted that he could not successfully defend pending disciplinary charges alleging the knowing misappropriation of client trust funds.

**CHARLES MORRONE**  
*170 N.J. 66 (2001)*  
of Marlton (Burlington County)

Reprimand  
Decided: November 14, 2001  
Admitted: 1996

*APPEARANCES BEFORE REVIEW BOARD*  
*Arthur Penn argued the cause on behalf of the District IIIB (Burlington County) Ethics Committee.*  
*Charles Morrone, respondent, argued the cause pro se.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who engaged in the practice of law in New Jersey without maintaining a bona fide law office. In this case, the law firm shared offices with an unrelated entity, had conference room privileges, together with 56 other

offices on the same floor of their leased premises, and maintained no files or other documents at the New Jersey office.

**PETER MOUTIS**  
*Unreported (2001)*  
of Hackensack (Bergen County)

Admonition  
Decided: October 5, 2001  
Admitted: 1985

**APPEARANCES BEFORE REVIEW BOARD**  
*Lee A. Gronikowski, Deputy Ethics Counsel, appeared on behalf of the Office of Attorney Ethics.*  
*Stephen E. Milazzo represented the respondent.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who failed to properly safeguard a \$14,000 escrow for a judgment creditor in connection with a real estate closing. In connection with a subsequent foreclosure proceeding, he disbursed the money to the mortgagee in order to have the foreclosure dismissed without obtaining consent of the judgment creditor.

**MICHELLE J. MUNSAT**  
*Unreported (2001)*  
of Newark (Essex County)

Admonition  
Decided: March 20, 2001  
Admitted: 1980

**APPEARANCES BEFORE REVIEW BOARD**  
*Charles F. Kenny argued the cause on behalf of the District VA (Essex/Newark) Ethics Committee.*  
*Michelle J. Munsat, respondent, argued the cause pro se.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who failed to act with reasonable diligence and promptness and failed to adequately communicate with her clients in a wrongful termination of employment matter.

**WALTER D. NEALY**  
*170 N.J. 193 (2001)*  
of Hackensack (Bergen County)

Reprimand  
Decided: December 4, 2001  
Admitted: 1984

**APPEARANCES BEFORE REVIEW BOARD**  
*Lee A. Gronikowski, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*Bernard K. Freamon argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who negligently misappropriated \$4,000 in client trust funds and failed to maintain proper trust and business account records, as required by *R. 1:21-6*.

The respondent was previously privately reprimanded in 1990 for failing to pay real estate taxes and a homeowner's insurance bill in a real estate matter in a timely fashion, and failing to remit certain closing documents to the mortgagee, despite numerous requests by his client, the attorney for the mortgagee and the title company.

**JOSEPH H. NEIMAN**  
*167 N.J. 616 (2001)*  
of Hackensack (Bergen County)

Reprimand  
Decided: June 5, 2001  
Admitted: 1985

**APPEARANCES BEFORE REVIEW BOARD**  
*Wendy F. Klein argued the cause on behalf of the District IIB (South Bergen) Ethics Committee.*  
*Joseph P. Rem argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who engaged in gross neglect of a client matter, failed to act with diligence, and failed to communicate with the client for several years.

**JEFFRY F. NIELSEN**  
*167 N.J. 54 (2001)*  
of Newark (Essex County)

Reprimand  
Decided: April 2, 2001  
Admitted: 1990

**REPRESENTATIONS BEFORE REVIEW BOARD**  
*Paula A. Garrick represented the District VC (Suburban Essex) Ethics Committee. Jeffrey F. Nielsen, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a reprimand was the appropriate discipline for an attorney who grossly neglected two client matters, despite being paid in full on at least one of the cases. The respondent also failed to communicate with his clients to advise them of the status of these matters.

**RICHARD M. ONOREVOLE**  
*170 N.J. 64 (2001)*  
of Lake Hiawatha (Morris County)

Reprimand  
Decided: November 14, 2001  
Admitted: 1983

**APPEARANCES BEFORE REVIEW BOARD**  
*John C. Whipple argued the cause on behalf of the District X (Morris and Sussex Counties) Ethics Committee. Richard M. Onorevole, respondent, argued the cause pro se.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who grossly neglected a client in a lemon law matter, failed to act with diligence, failed to reasonably communicate with the client and made misrepresentations about the status of the matter.

The respondent has previously been disciplined. In 1994, he received an admonition for gross neglect, lack of diligence and failure to communicate with a client. In 1996, the respondent was reprimanded for gross neglect, lack of diligence, failure to communicate with a client, failure to cooperate with ethics authorities

and conduct involving misrepresentations to his client. *In re Onorevole, 144 N.J. 477.*

**NANCY L. OXFELD**  
*Unreported (2001)*  
of Newark (Essex County)

Admonition  
Decided: July 3, 2001  
Admitted: 1977

**APPEARANCES BEFORE REVIEW BOARD**  
*Russell S. Burnside argued the cause on behalf of the District VA (Essex-Newark) Ethics Committee. Stephen R. Cohen argued the cause for respondent.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who testified in a hearing for her partner and then participated in settlement discussions notwithstanding the fact that she had represented an opposing individual in the litigation.

**SANFORD OXFELD**  
*Unreported (2001)*  
of Newark (Essex County)

Admonition  
Decided: July 3, 2001  
Admitted: 1973

**APPEARANCES BEFORE REVIEW BOARD**  
*Russell S. Burnside argued the cause on behalf of the District VA (Essex-Newark) Ethics Committee. Stephen R. Cohen argued the cause for respondent.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who engaged in a conflict of interest by having his law firm partner testify as a fact witness and also assist him in settlement discussions in a litigated matter.

**RUSSELL E. PAUL**  
*167 N.J. 6 (2001)*  
of Woodbury (Gloucester County)

Suspension 3 Months  
Decided: March 7, 2001  
Effective: April 9, 2001  
Admitted: 1966

*APPEARANCES BEFORE REVIEW BOARD*  
*Ahmed S. Corbit argued the cause on behalf of the District IV (Camden and Gloucester Counties) Ethics Committee.*  
*Angelo J. Falciani argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who lied on an application for malpractice insurance by stating that he had never had a malpractice claim made against him before when, in fact, he knew that was false. The respondent also made oral misrepresentations to his adversary and written misrepresentations in a deposition and in several certifications to a court.

The respondent has a history of discipline. In 1974, he received a private reprimand for failing to advise a client that his appeal was dismissed, instead suggesting simply that the client obtain other counsel. In 1987, he received a second private reprimand for allowing the statute of limitations to run in a personal injury action and misrepresenting the status of the case to a client. In 1994, the Supreme Court imposed a reprimand on respondent for gross neglect, failure to communicate with a client and misrepresentation. *In re Paul, 137 N.J. 13 (1994).*

**BEN W. PAYTON**  
*167 N.J. 2 (2001)*  
of Colonia (Middlesex County)

Reprimand  
Decided: March 7, 2001  
Admitted: 1992

*APPEARANCES BEFORE REVIEW BOARD*  
*Michael Mitzner argued the cause on behalf of the District XII (Union County) Ethics Committee.*  
*Ben W. Payton, respondent, argued the cause pro se.*

The Supreme Court of New Jersey held that a

reprimand was the appropriate discipline for an attorney who grossly neglected two matters, failed to communicate with his clients and failed to cooperate with ethics authorities during the investigation of the case.

**BEN W. PAYTON**  
*168 N.J. 109 (2001)*  
of Colonia (Middlesex County)

Suspension 3 Months  
Decided: June 19, 2001  
Effective: July 16, 2001  
Admitted: 1992

*REPRESENTATIONS BEFORE REVIEW BOARD*  
*Michael J. Sweeney, Deputy Ethics Counsel, represented the Office of Attorney Ethics.*  
*Ben W. Payton, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who failed to timely file inheritance tax returns or to appeal to the Division of Taxation's assessment significantly delaying administration of his client's estate. Respondent's inaction resulted in a loss of \$2,000 in interest penalties to the estate. The respondent also failed to have a fee agreement and failed to communicate with his clients after their repeated attempts to contact him.

In 1997, the respondent was admonished for failure to properly file a complaint, failure to prosecute the matter, and failure to communicate with his client. In 2000, he was publicly reprimanded for grossly neglecting two matters, failing to communicate with his clients and failing to cooperate with ethics authorities during the investigation of both matters.

**CLARK PEASE**  
*167 N.J. 597 (2001)*  
of Merchantville (Camden County)

Suspension 3 Months  
Decided: May 22, 2001  
Admitted: 1984

*APPEARANCES BEFORE SUPREME COURT*  
*Walton W. Kingsbery, III, Deputy Ethics*

*Counsel, argued the cause on behalf of the Office of Attorney Ethics.  
Carl D. Poplar argued the cause for respondent.*

The Supreme Court held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who, from August through November 1989, paid a tow truck operator, whom he labeled "investigator," for the referral of personal injury cases to him and his law firm. The respondent benefitted from this unethical practice by earning more than \$200,000 in legal fees from the cases solicited by the firm's runner.

**JOHN JAY PERRONE**

*169 N.J. 226 (2001)*  
of Red Bank (Monmouth County)

Suspension 18 Months  
Decided: July 12, 2001  
Effective: February 23, 2000  
Admitted: 1984

*APPEARANCES BEFORE REVIEW BOARD  
Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.  
Richard P. Zoller argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of 18 months was the appropriate discipline for an attorney who was criminally convicted in the United States District Court for the District of New Jersey of mail fraud, in violation of *18 U.S.C.A. §1341 and §2*. The respondent had been temporarily suspended from the practice of law since February 22, 2000. *In re Perrone, 162 N.J. 544.*

**HARRY J. PINTO, JR.**

*168 N.J. 111 (2001)*  
of Morristown (Morris County)

Reprimand  
Decided: June 19, 2001  
Admitted: 1965

*APPEARANCES BEFORE REVIEW BOARD  
William J. McGovern, III argued the cause on*

*behalf of the District X (Morris and Sussex Counties) Ethics Committee.  
Lee S. Trumbull argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who made discriminatory comments and took discriminatory actions towards his female client that were demeaning, crude and vulgar, including the inappropriate touching of the client's buttocks. The Court also ordered that the respondent complete 20 hours of sensitivity training to be approved by the Office of Attorney Ethics.

**JACQUELINE JASSNER POQUETTE**

*170 N.J. 135 (2001)*  
of Denville (Morris County)

Disbarment by Consent  
Decided: November 21, 2001  
Admitted: 1985

**REPRESENTATIONS**

*John McGill, III, Deputy Ethics Counsel, represented the Office of Attorney Ethics.  
Thomas C. Pluciennik represented the respondent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent from the above attorney who admitted that she could not successfully defend pending disciplinary charges alleging the knowing misappropriation of clients' trust funds. The respondent had been temporarily suspended from the practice of law since August 11, 2000. *In re Poquette, 165 N.J. 203.*

**STANLEY J. PURZYCKI**

*167 N.J. 281 (2001)*  
of Somerville (Somerset County)

Disbarment  
Decided: May 8, 2001  
Admitted: 1963

**APPEARANCES BEFORE SUPREME COURT**

*Brian D. Gillet, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.  
Stanley J. Purzycki, respondent, failed to*

*appear.*

The Supreme Court of New Jersey held that disbarment was the appropriate discipline for an attorney who defrauded at least four organizations and ten individuals out of more than a million dollars over a period of several years. The respondent had been temporarily suspended from the practice of law since January 3, 2000. *In re Purzycki*, 164 N.J. 292.

**FERNANDO REGOJO**

170 N.J. 67 (2001)

of Union City (Hudson County)

Reprimand

Decided: November 14, 2001

Admitted: 1981

**APPEARANCES BEFORE REVIEW BOARD**

*Nitza I. Blasini, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Joseph P. Castiglia argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who failed to properly maintain mandated trust account records, as required by R. 1:21-6, negligently misappropriated clients' trust funds, and failed to promptly pay funds from a real estate closing to various third parties, including fees for inheritance tax liens, property taxes, realty transfer tax, sewer bill, exterminator bill and surveyor bill.

**MARK R. RENNIE**

169 N.J. 478 (2001)

of Summit (Union County)

Disbarment by Consent

Decided: September 11, 2001

Admitted: 1988

**REPRESENTATIONS**

*Richard J. Engelhardt, Assistant Ethics Counsel, represented the Office of Attorney Ethics.*

*Edward D. Sheehan consulted with the respondent solely for the purpose of assuring the voluntariness of the Disbarment by Consent form.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of a respondent who admitted that he could not successfully defend pending disciplinary charges alleging the knowing misappropriation of clients' trust funds. The respondent had been suspended temporarily from the practice of law since November 3, 1999. *In re Rennie*, 162 N.J. 44.

**MICHAEL J. ROSENBLATT**

170 N.J. 36 (2001)

of New York, New York

Suspension 6 Months

Decided: November 14, 2001

Effective:

Admitted: 1988

**APPEARANCES BEFORE REVIEW BOARD**

*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Michael J. Rosenblatt, respondent, did not appear.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of six months was the appropriate discipline for an attorney who was suspended for six months in the state of New York for making false and misleading statements to the New York County District Attorney's Office regarding the respondent's threat to a business associate. That threat of physical violence occurred when the business associate defaulted in paying licensing fees to the copyright owner for a logo used by respondent's restaurant.

**GERARD V. ROSS**

166 N.J. 8 (2001)

of Glen Ridge (Essex County)

Suspension 3 Months

Decided: January 9, 2001

Admitted: 1989

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Ronald L. Washington represented the District VC (West Essex) Ethics Committee.*

*Gerard V. Ross, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified

record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who grossly neglected his defense of a client against whom a permanent restraining order for stalking and harassment had been issued, made false and misleading statements to the client with regard to his ability to have the permanent restraining order lifted at any time, and made repeated, false assurances to the client that the appeal was being processed despite the fact that the appeal was never filed. The respondent also failed to cooperate with disciplinary authorities during the investigation and processing of this matter.

The respondent was temporarily suspended from the practice of law on June 15, 1999 for his failure to comply with a determination of a district fee arbitration committee to refund legal fees.

**GERARD V. ROSS**  
*166 N.J.5 (2001)*  
of Glen Ridge (Essex County)

Suspension 6 Months  
Decided: January 9, 2001  
Effective: April 11, 2001  
Admitted: 1989

**REPRESENTATIONS BEFORE REVIEW BOARD**  
*Anne K. Franges represented the District VC (West Essex) Ethics Committee.*  
*Gerard V. Ross, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of six months was the appropriate discipline for an attorney who exhibited gross neglect, lack of diligence and made misrepresentations while representing clients in a commercial tenancy matter. The respondent failed to file a complaint as a result of which the clients were evicted. To compound matters, the respondent also failed to file an answer to the complaint for past due rent, resulting in the entry of a \$20,000 default judgment against the clients. The respondent also failed to cooperate with disciplinary authorities during the investigation and processing of this matter.

**GERARD V. ROSS**  
*166 N.J. 7 (2001)*  
of Glen Ridge (Essex County)

Suspension 3 Months  
Decided: January 9, 2001  
Effective: October 11, 2001  
Admitted: 1989

**REPRESENTATIONS BEFORE REVIEW BOARD**  
*Anne K. Franges represented the District VC (West Essex) Ethics Committee.*  
*Gerard V. Ross, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who grossly neglected two client matters, failed to communicate with the clients and failed to cooperate with disciplinary authorities during the investigation and prosecution of these matters.

**JERIL L. SAYER**  
*165 N.J. 573 (2001)*  
of Rahway (Union County)

Admonition  
Decided: January 11, 2001  
Admitted: 1985

**APPEARANCES BEFORE REVIEW BOARD**  
*James J. Byrnes argued the cause for the District XII (Union County) Ethics Committee.*  
*Jeri L. Sayer, respondent, argued the cause pro se.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who twice, through gross neglect, allowed a Workers' Compensation Petition to be dismissed. Notwithstanding the fact that the Workers' Compensation employer advised him that it was willing to settle the matter despite the dismissal, the attorney failed to pursue settlement negotiations.

**STEPHEN SCHNITZER**

*Unreported (2001)*  
of Livingston (Essex County)

Admonition  
Decided: December 21, 2001  
Admitted: 1968

*APPEARANCES BEFORE REVIEW BOARD*  
*A. Lawrence Gaydos, Jr. argued the cause on behalf of the District VC (West Essex) Ethics Committee.*

*Peter A. Ouda argued the cause for respondent.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who had a client execute a second mortgage on her house to secure the payment of legal fees without providing the notice, explanation and writing required of all attorneys under *RPC 1.8(a)*.

**LEWIS M. SEAGULL**

*166 N.J. 47 (2001)*  
of Westfield (Union County)

Disbarment by Consent  
Decided: January 12, 2001  
Admitted: 1977

*REPRESENTATIONS*

*John J. Janasie, First Assistant Ethics Counsel, represented the Office of Attorney Ethics.*

*George W. Canellis represented the respondent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of an attorney who admitted that he could not successfully defend pending disciplinary charges alleging the knowing misappropriation of clients' trust funds.

**STEVEN T. SELTZER**

*169 N.J. 590 (2001)*  
of Briar Cliff Manor, New York

Disbarment  
Decided: October 2, 2001  
Admitted: 1985

*APPEARANCES BEFORE SUPREME COURT*

*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Steven T. Seltzer, respondent, waived appearance.*

The Supreme Court of New Jersey held that disbarment was the appropriate discipline for an attorney who pled guilty in the United States District Court for the Southern District of New York to one count of conspiracy to commit mail fraud in violation of *18 U.S.C.A. 371*, two counts of mail fraud in violation of *18 U.S.C.A. 1341*, and one count of conspiracy to defraud the Internal Revenue Service, in violation of *18 U.S.C.A. 371*. The factual basis for these charges involved respondent's participation in a scheme to defraud insurance companies over a period of time. The respondent had been temporarily suspended from the practice of law since October 16, 2000. *In re Seltzer, 165 N.J. 507.*

**ALLAN J. SERRATELLI**

*Unreported (2001)*  
of Newark (Essex County)

Admonition  
Decided: November 27, 2001  
Admitted: 1976

*APPEARANCES BEFORE REVIEW BOARD*

*Mark Denbeaux argued the cause on behalf of the District VI (Essex-Newark) Ethics Committee.*

*Allan J. Serratelli, respondent, argued the cause pro se.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who acted as a listing broker for the sale of real estate without being licensed to do so, in violation of *In re Roth, 120 N.J. 665 (1990)*.

**JOEL F. SHAPIRO**

*168 N.J. 166 (2001)*  
of Edison (Middlesex County)

Reprimand  
Decided: June 19, 2001  
Admitted: 1989

*APPEARANCES BEFORE REVIEW BOARD*  
*Mallory Steinfeld argued the cause on behalf of the District X (Morris and Sussex Counties) Ethics Committee.*  
*Raymond Barto argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who, engaged in gross neglect and lack of diligence in one case, and also failed to communicate with his client. The respondent likewise failed to have a written retainer agreement as required by court rules.

The respondent was previously admonished for failure to return a client file or to recommend to his superiors that the file be turned over to the client in 1997.

**TERRY L. SHAPIRO**  
*169 N.J. 219 (2001)*  
of Newark (Essex County)

Suspension 3 Months  
Decided: July 5, 2001  
Effective: August 1, 2001  
Admitted: 1974

*REPRESENTATIONS BEFORE REVIEW BOARD*  
*Walton W. Kingsbery, III, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*Lawrence S. Lustberg argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who, in connection with civil litigation, submitted a false certification of services to his adversary, an attorney representing an insurance company.

The respondent had been previously disciplined. In 1988, he received a private reprimand for breaching client confidentiality. In 1994, he was suspended from the practice of law for a period of six months for the negligent misappropriation of client trust funds and for conduct involving deceit and misrepresentation and conduct prejudicial to the administration of justice. *In re Shapiro, 138 N.J. 87.*

**K. KAY SHEARIN**  
*166 N.J. 558 (2001)*  
of Elsmere, Delaware

Suspension 1 Year  
Decided: March 7, 2001  
Effective: July 17, 2000  
Admitted: 1980

*APPEARANCES BEFORE REVIEW BOARD*  
*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*Patricia Slane Voorhees argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of one year was the appropriate discipline for an attorney who was suspended for that period in the state of Delaware for multiple violations including preparing two deeds and submitting a false certification, making false statements to tribunals and submitting false evidence, submitting a false debtor's schedule in a federal bankruptcy court and submitting a false "certificate" to the Delaware Division of Corporations.

**ROBERT J. SHERIDAN**  
*169 N.J. 221 (2001)*  
of College Park, Maryland

Indefinite Suspension  
Decided: July 5, 2001  
Effective: January 10, 2000  
Admitted: 1986

*APPEARANCES BEFORE REVIEW BOARD*  
*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*Thaddeus P. Mikulski, Jr. argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for an indefinite period, and until the respondent is first reinstated to the bar of the state of Maryland, was the appropriate discipline for an attorney who was indefinitely suspended from the bar of the state of Maryland for unauthorizedly taking fees from settlement funds, failing to keep clients' property separate from his own,

failing to promptly deliver funds or other property to a client and conduct involving dishonesty, fraud, deceit or misrepresentation.

**BENJAMIN A. SILBER**  
*167 N.J. 3 (2001)*  
of Carneys Point (Salem County)

Reprimand  
Decided: March 7, 2001  
Admitted: 1976

*APPEARANCES BEFORE REVIEW BOARD*  
*Thomas J. McCormick, Assistant Ethics*  
*Counsel, argued the cause on behalf of the*  
*Office of Attorney Ethics.*  
*Benjamin A. Silber, respondent, argued the*  
*cause pro se.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who negligently misappropriated clients' trust funds in four instances and failed to maintain proper trust and business accounting records, as required under *R. 1:21-6*.

The respondent was previously disciplined. In 1995, Mr. Silber was reprimanded for improperly communicating with a party known to be represented by counsel and for improperly drafting a release that attempted to insulate himself from disciplinary proceedings. *In re Silber, 139 N.J. 605 (1995)*.

**PHILLIP J. SIMMS**  
*170 N.J. 191 (2001)*  
of Whitehouse (Hunterdon County)

Reprimand  
Decided: December 4, 2001  
Admitted: 1974

*APPEARANCES BEFORE REVIEW BOARD*  
*Thomas J. McCormick, Assistant Ethics*  
*Counsel, argued the cause on behalf of the*  
*Office of Attorney Ethics.*  
*Phillip J. Simms, respondent, waived*  
*appearance.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who negligently misappropriated some \$73,000 in

clients' trust funds and failed to maintain appropriate trust and business accounting records, as required by *R. 1:21-6*.

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

**JOEL M. SOLOW**  
*167 N.J. 55 (2001)*  
of Newark (Essex County)

Reprimand  
Decided: April 2, 2001  
Admitted: 1974

*APPEARANCES BEFORE REVIEW BOARD*  
*Walton W. Kingsbery, III, Deputy Ethics*  
*Counsel, argued the cause on behalf of the*  
*Office of Attorney Ethics.*  
*Waldron Kraemer argued the cause for*  
*respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who engaged in intimidating and contemptuous conduct towards an Administrative Law Judge in social security matters. In particular, the respondent filed approximately 100 motions for recusal on the basis that the judge was blind and, therefore, unable to observe the claimant or review the documentary evidence. The motion papers repeatedly and inappropriately referred to the judge as "the blind judge."

In 1994, the respondent received a letter of admonition for possession of more than 50 grams of marijuana for personal use, in violation of *N.J.S.A. 2C:35-10a(3)*.

**ROBERT W. SPENCER**  
*168 N.J. 169 (2001)*  
of Tarrytown, New York

Suspension 1 Year  
Decided: June 19, 2001  
Effective: August 16, 1999  
Admitted: 1996

*APPEARANCES BEFORE REVIEW BOARD*  
*Richard J. Engelhardt, Assistant Ethics*  
*Counsel, argued the cause on behalf of the*  
*Office of Attorney Ethics.*

*Robert W. Spencer, respondent, waived appearance.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of 12 months was the appropriate discipline for an attorney who breached his fiduciary responsibility to safeguard the integrity of clients' funds due to carelessness resulting in negligent misappropriation.

**ROBERT C. SPIESS**

*170 N.J. 65 (2001)*

of Pompton Plains (Morris County)

Suspension 1 Year

Decided: November 14, 2001

Effective: July 3, 2000

Admitted: 1981

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Ann M. Edens argued the cause on behalf of the District X (Morris and Sussex Counties) Ethics Committee.*

*Robert C. Spiess, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of one year was the appropriate discipline for an attorney who was engaged by clients to file a lawsuit, but failed to do so for more than two years while falsely assuring them that he had filed suit. The respondent also violated Rule 1:20-20, governing the conduct to be followed by suspended attorneys, by failing to inform his clients of an earlier suspension and by leaving a misleading outgoing message on his answering machine.

The respondent has previously been disciplined. In 2000, the respondent was twice suspended for periods of three months each. In the first case, he engaged in gross neglect, lack of diligence, failure to communicate with a client, failure to explain a matter to the extent necessary for a client to make an informed decision, failure to expedite litigation, the unauthorized practice of law and failure to cooperate with disciplinary authorities. *In re Spiess, 162 N.J. 121.* In the second matter, the respondent engaged in lack of diligence, failure to communicate with a client, failure to properly deliver funds to a client, the unauthorized practice of

law and failure to cooperate with disciplinary authorities. *In re Spiess, 165 N.J. 473.*

**MARILYN STERNSTEIN**

*Unreported (2001)*

of Sewell (Gloucester County)

Admonition

Decided: November 1, 2001

Admitted: 1980

**APPEARANCES BEFORE REVIEW BOARD**

*Eugene McCaffrey, Jr. argued the cause on behalf of the District IV (Camden and Gloucester Counties) Ethics Committee.*

*Carl D. Poplar argued the cause for respondent.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who failed to maintain a bona fide law office as required by R. 1:21-1(a). The respondent was publicly reprimanded in 1996 for failing to act diligently, failing to communicate and failing to cooperate with district ethics authorities in connection with the investigation and processing of two client grievances. *In re Sternstein, 143 N.J. 128.*

**STEVEN M. TANNENBAUM**

*167 N.J. 52 (2001)*

of Voorhees (Camden County)

Suspension 68 Months

Decided: April 2, 2001

Effective: July 21, 1995

Admitted: 1977

**APPEARANCES BEFORE REVIEW BOARD**

*Richard J. Engelhardt, Assistant Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Steven M. Tannenbaum, respondent, failed to appear.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of 68 months, retroactive to July 21, 1995, the date of respondent's initial temporary suspension, was the appropriate discipline for an attorney who received a three-year suspension from the practice of law by the Supreme Court of Pennsylvania. The respondent

engaged in a pattern of unethical conduct including lack of diligence, failure to communicate with his clients, failure to discontinue representation after being placed on the inactive list, misrepresentation to a court that the client had filed a pro se action, practicing law while on the inactive list in Pennsylvania and misrepresentations to his client about the status of the case.

**RICHARD R. THOMAS, III**  
*Unreported (2001)*  
of Newark (Essex County)

Admonition  
Decided: June 29, 2001  
Admitted: 1996

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Scott L. Weber argued the cause on behalf of the District VA (Essex-Newark) Ethics Committee.*

*Richard R. Thomas, III, respondent, argued the cause pro se.*

The Disciplinary Review Board accepted a motion for discipline by consent and held that an admonition was the appropriate discipline for an attorney who failed to clearly communicate to his client that the representation was terminated and failed to protect her interests in accordance with R. 1:16(d). Additionally, in another case, the respondent unilaterally determined not to appeal a summary judgment decision and again improperly terminated the representation.

**RICHARD M. THURING**  
*169 N.J. 577 (2001)*  
of New Providence (Union County)

Disbarment by Consent  
Decided: October 9, 2001  
Admitted: 1970

**REPRESENTATIONS**

*John J. Janasie, First Assistant Ethics Counsel, represented the Office of Attorney Ethics.*

*Peter N. Gilbreth represented the respondent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of an attorney who admitted that he could not successfully defend a pending

investigation into allegations that he knowingly misappropriated client trust funds.

**PETER W. TILL**  
*167 N.J. 276 (2001)*  
of Bloomfield (Essex County)

Reprimand  
Decided: May 8, 2001  
Admitted: 1974

**APPEARANCES BEFORE REVIEW BOARD**

*Robert E. Nies argued the cause on behalf of the District VC (West Essex) Ethics Committee.*

*Thomas R. Valen argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who engaged in gross neglect and misrepresentation in representing a client in a "minority shareholder oppression action." Specifically, the respondent failed to take action in representing his client and made numerous misrepresentations to her about the status of the case. For over a nine-month period, the respondent lied to the client that the complaint had been filed, that service had been made, that the defendant had failed to answer the complaint, that he was seeking default judgments and that he had filed motions to obtain the deposition of her ailing father.

**IRVING TOBIN**  
*170 N.J. 74 (2001)*  
of Elizabeth (Union County)

Reprimand  
Decided: November 14, 2001  
Admitted: 1957

**APPEARANCES BEFORE REVIEW BOARD**

*Tangerla Mitchell Thomas, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Stephen L. Ritz argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who negligently misappropriated client trust funds, commingled funds belonging to investors and clients,

failed to maintain proper trust account records, engaged in improper business transactions with clients, in violation of *RPC 1.8(a)*, and engaged in conflicts of interest by representing clients with potentially adverse interests, as they were variously borrowers and investors.

**R. TYLER TOMLINSON**

*Unreported (2001)*  
of Voorhees (Camden County)

Admonition  
Decided: November 2, 2001  
Admitted: 1995

**APPEARANCES BEFORE REVIEW BOARD**

*Paul J. Felixon argued the cause on behalf of the District IV (Camden and Gloucester Counties) Ethics Committee.*

*John Fitzpatrick argued the cause for respondent.*

The Disciplinary Review Board held that an admonition was the appropriate discipline for an attorney who unethically conditioned the resolution of a collection case on the dismissal of a grievance filed against the respondent by his client's parents.

**JAMES P. TUTT**

*170 N.J. 63 (2001)*  
of Newark (Essex County)

Reprimand  
Decided: November 14, 2001  
Admitted: 1985

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Walton W. Kingsbery, III, Deputy Ethics Counsel, represented the Office of Attorney Ethics.*

*James P. Tutt, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a reprimand was the appropriate discipline for an attorney who improperly lent his client \$500 against future recovery from a pending lawsuit, thus violating the ethical proscription against financial assistance to a client in connection with pending or contemplated litigation.

The respondent was reprimanded in 2000 for mishandling an estate matter over a six-year period, where he failed to make appropriate efforts to locate one of six beneficiaries and to respond to the inquiries of another beneficiary during the same time period. *In re Tutt, 163 N.J. 562.*

**CARL J. VALORE**

*169 N.J. 225 (2001)*  
of Linwood (Atlantic County)

Suspension 6 Months  
Decided: July 12, 2001  
Admitted: 1960

**APPEARANCES BEFORE REVIEW BOARD**

*Nitza I. Blasini, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*

*Carl J. Valore, respondent, waived appearance for oral argument.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of six months was the appropriate discipline for an attorney who improperly borrowed money from clients and gave them promissory notes, but no security, for a portion of the escrow funds he collected for them in litigation.

**CARL J. VALORE**

*170 N.J. 249 (2001)*  
of Linwood (Atlantic County)

Disbarment by Consent  
Decided: December 20, 2001  
Admitted: 1960

**REPRESENTATIONS**

*Nitza I. Blasini, Deputy Ethics Counsel, represented the Office of Attorney Ethics.*

*Steven K. Kudatzky represented the respondent.*

The Supreme Court of New Jersey accepted the Disbarment by Consent of a respondent who admitted that he could not successfully defend pending disciplinary charges alleging the knowing misuse of clients' trust funds totaling approximately \$3,000.

The respondent had been previously disciplined. On October 11, 2000, he was ordered to practice law

under a temporary license restriction. *In re Valore*, 165 N.J. 504. In 2001, he was suspended from the practice of law for a period of six months for improperly borrowing money from clients and giving them promissory notes, but no security. The borrowed money constituted a portion of escrow funds that the respondent had collected for clients in connection with various litigated matters.

**KENNETH VAN RYE**  
167 N.J. 592 (2001)  
of Elmwood Park (Bergen County)

Suspension 3 Months  
Decided: May 22, 2001  
Effective: June 20, 2001  
Admitted: 1979

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Dennis W. Blake argued the cause on behalf of the District IIA (North Bergen) Ethics Committee.*

*Kenneth Van Rye, respondent, argued the cause pro se.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who failed to act with diligence in the representation of his clients and to properly communicate with them. The respondent also failed to cooperate with disciplinary authorities during the processing of this matter.

Respondent has a history of discipline. In 1991, he received a three-month suspension for failure to maintain trust and business account records and for failure to submit a written formal accounting to a client. He also improperly witnessed a signature on a document and affixed his jurat improperly thereon. *In re Van Rye*, 124 N.J. 664. In 1992, the respondent was suspended from the practice of law for a period of two years for entering into a business deal with a client without advising him to obtain independent counsel, executing a jurat on a document outside the presence of the signer, improperly altering a deed, signing closing documents without a power of attorney and disbursing mortgage proceeds without obtaining the requisite authorization. *In re Van Rye*, 128 N.J. 108.

**ANTHONY N. VERNI**  
167 N.J. 276 (2001)  
of West Orange (Essex County)

Reprimand  
Decided: May 8, 2001  
Admitted: 1990

**APPEARANCES BEFORE REVIEW BOARD**

*Eric Tunis argued the cause on behalf of the District VC (West Essex) Ethics Committee. Kalmen Harris Geist represented the respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who demonstrated gross neglect in two client matters, lack of diligence and failure to obey court orders and notices requiring his appearance, for which he was ordered to pay a \$500 sanction and \$500 in counsel fees resulting in the client's case being dismissed with prejudice.

**JOHN H. C. WEST, III**  
166 N.J. 48 (2001)  
of Ventnor (Atlantic County)

Suspension 1 Year  
Decided: January 9, 2001  
Admitted: 1989

**REPRESENTATIONS BEFORE REVIEW BOARD**

*Rhinold L. Ponder represented the District VIII (Middlesex County) Ethics Committee. John H. C. West, III, respondent, failed to appear.*

The Supreme Court of New Jersey, on a certified record from and decision by the Disciplinary Review Board, held that a suspension from the practice of law for a period of one year was the appropriate discipline for an attorney who accepted \$13,000 from a client and, over a period of at least one year, failed to file an appeal on the client's behalf. After the client terminated his representation, the respondent failed to forward the client's file or an itemized bill to the client's new attorney as requested. The respondent further failed to return any unearned legal fees and never replied to any correspondence from either the client or the attorney. The respondent also failed to cooperate with disciplinary authorities during the processing of this

matter.

The respondent has a lengthy history of discipline. In 1997, he was temporarily suspended from the practice of law for failing to comply with a district fee arbitration award in the amount of \$2,100. *In re West, 151 N.J. 460 (1997)*. In 1996, he was admonished for gross neglect, lack of diligence and failure to communicate. In 1998, the respondent was suspended for a period of three months for gross neglect, lack of diligence and failure to communicate. *In re West, 156 N.J. 391 (1998)*. Also, in 1998, the respondent was suspended for a period of six months for engaging in a pattern of neglect in three matters, failing to communicate with clients, failing to surrender papers and refund an unearned fee, and failure to cooperate with disciplinary authorities during the investigation of that matter. *In re West, 156 N.J. 451 (1998)*.

**LOUIS F. WILDSTEIN**  
*169 N.J. 220 (2001)*  
of Newark (Essex County)

Suspension 3 Months  
Decided: July 5, 2001  
Effective: August 1, 2001  
Admitted: 1978

*APPEARANCES BEFORE REVIEW BOARD*  
*Mark Denbeaux argued the cause on behalf of the District VA (Essex-Newark) Ethics Committee.*  
*Justin P. Walder argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who grossly neglected the handling of one estate, engaged in a conflict of interest when he acted as the attorney, executor and trustee of one estate at the same time that he was the executor and beneficiary of another estate, the latter estate holding a mortgage on the only asset of the former estate. Moreover, the respondent improperly drafted a will by changing the residuary beneficiary clause from the names of others to himself. This violated RPC 1.8(c), notwithstanding the fact that the change was made at the testator's request.

The respondent has a disciplinary history. In 1998, he was privately reprimanded for failure to keep a client

reasonably informed about the status of a personal injury lawsuit. In 1994, he was publicly reprimanded for gross neglect, lack of diligence, and failure to communicate with a client. *In re Wildstein, 138 N.J. 48 (1994)*.

**JAMES H. WOLFE, III**  
*167 N.J. 278 (2001)*  
of East Orange (Essex County)

Suspension 3 Months  
Decided: May 8, 2001  
Effective: June 4, 2001  
Admitted: 1979

*APPEARANCES BEFORE REVIEW BOARD*  
*Judith B. Appel argued the cause on behalf of the District VA (Essex-Newark) Ethics Committee.*  
*Kirk Douglas Rhodes argued the cause for respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who, in two client matters, engaged in gross neglect, lack of diligence, failure to keep a client reasonably informed and failure to cooperate with disciplinary authorities in the processing of this matter. The respondent was previously disciplined. In 1998, he received an admonition for failure to advise his clients of the status of their matter.

**JAMES H. WOLFE, III**  
*167 N.J. 277 (2001)*  
of East Orange (Essex County)

Reprimand  
Decided: May 8, 2001  
Admitted: 1979

*APPEARANCES BEFORE REVIEW BOARD*  
*Judith B. Appel argued the cause on behalf of the District VA (Essex-Newark) Ethics Committee.*  
*Kirk Douglas Rhodes argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who exhibited a lack of diligence and gross neglect in

representing a client in a federal civil rights action. The respondent was previously disciplined. In 1998, he received an admonition for his failure to advise his clients of the status of a matter, including the dismissal of several complaints, which occurred through no fault of respondent.

**JAMES H. WOLFE, III**  
*170 N.J. 71 (2001)*  
of Newark (Essex County)

Reprimand  
Decided: November 14, 2001  
Admitted: 1979

*APPEARANCES BEFORE REVIEW BOARD*  
*Cynthia A. Walters argued the cause on behalf of the District VB (Suburban Essex) Ethics Committee.*  
*Kirk D. Rhodes argued the cause for respondent.*

The Supreme Court of New Jersey held that a reprimand was the appropriate discipline for an attorney who, while representing a client in a motor vehicle accident case, failed to reasonably communicate with the client over a three-year period.

The respondent has a history of discipline. In 1998, respondent received an admonition for failing to advise his clients of the status of their matters. In 2001, the respondent was reprimanded for grossly neglecting a client's case. *In re Wolfe, 167 N.J. 277*. Also, in 2001, the respondent was suspended from the practice of law for a period of three months for grossly neglecting other clients' matters. *In re Wolfe, 167 N.J. 278*.

**JACOB WYSOKER**  
*170 N.J. 7 (2001)*  
of New Brunswick (Middlesex County)

Suspension 3 Months  
Decided: October 29, 2001  
Effective: November 23, 2001  
Admitted: 1951

*APPEARANCES BEFORE REVIEW BOARD*  
*Tangerla M. Thomas, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*Kevin H. Michels argued the cause for*

*respondent.*

The Supreme Court of New Jersey held that a suspension from the practice of law for a period of three months was the appropriate discipline for an attorney who, on at least 1,000 occasions, filed Workers' Compensation Petitions with inaccurate petitioners' addresses in order to "forum shop." A significant number of these false petitions occurred after respondent was warned by both his partner and by the director of the Division of Workers' Compensation that such conduct was improper and unethical. The respondent also executed the jurat on an undetermined number of petitions that contained what he knew to be incorrect information, thus knowingly executing documents containing misrepresentation which he then filed with the Division of Workers' Compensation.

**H. MICHAEL ZUKOWSKI**  
*167 N.J. 33 (2001)*  
of Titusville, Florida

Disability Inactive Status  
Decided: March 20, 2001  
Admitted: 1980

*REPRESENTATIONS*  
*Nitza I. Blasini, Deputy Ethics Counsel, argued the cause on behalf of the Office of Attorney Ethics.*  
*H. Michael Zukowski, respondent, argued the cause pro se.*

The Supreme Court of New Jersey held that the transfer to disability inactive status was the appropriate discipline for an attorney who lacked the mental capacity to practice law and participate in ongoing ethics investigations involving the payment of client funds.

In 1997, the respondent was publicly reprimanded for failing to diligently prosecute a Workers' Compensation claim and failing to communicate with the client and who, in a second matter, grossly neglected a personal injury case. *In re Zukowski, 152 N.J. 59*.