



OFFICE OF ATTORNEY ETHICS

OF THE

SUPREME COURT OF NEW JERSEY

JOHANNA BARBA JONES
DIRECTOR

P.O. BOX 963
TRENTON, NEW JERSEY 08625
PHONE: (609) 403-7800
FAX: (609) 403-7802

JASON D. SAUNDERS
FIRST ASSISTANT ETHICS COUNSEL

July 3, 2024

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

Thank you for the opportunity to present this State of the Attorney Disciplinary System Report for 2023, the 40th Anniversary of the New Jersey Office of Attorney Ethics.

Our anniversary year was eventful. With the support and analytical input of Clerk of the Supreme Court and the Administrative Director of the Courts, this Court approved beneficial restructure of our Office in August of 2023. That reorganization added attorneys and District Ethics Committee Unit staff with the aim of more regularly satisfying the Rule 1:20-8 time goals for attorney disciplinary matters. As the year progressed, we were able to begin our statistical recovery, while maintaining the quality of the thorough and complete investigations that disciplinary precedent and the New Jersey public require.

Attorney regulatory policymaking also flourished in 2023. On May 2, 2023, this Court founded the Supreme Court Committee on Wellness in the Law, raising awareness and diminishing stigma for attorneys in need. Consistent with that wellness theme, on December 5, 2023, the Court amended two Court Rules to allow third-party referrals to the New Jersey Lawyers Assistance Program, more directly connecting lawyers to the entity the Court had founded for their support in 1999.

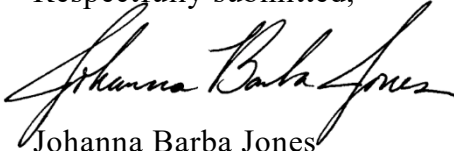
On July 3, 2023, the Supreme Court's Committee on the Duration of Disbarment for Knowing Misappropriation rendered a final report recommending that the Court afford disbarred attorneys a path back from disbarment.

The Court also honed attorney disciplinary policy. On May 12, 2023, the Court expanded the availability of Agreements in Lieu of Discipline for minor unethical conduct. Volunteer and professional disciplinary authorities must now consider whether diversion is appropriate and are permitted to do so even after the filing of a public disciplinary complaint.

On December 19, the Court announced that it would permit members of the District Fee Arbitration Committees to serve two terms, bringing those valued members of the volunteer corps into alignment with their District Ethics Committee counterparts.

The Office of Attorney Ethics is grateful for the Court's leadership on these issues and honored by the opportunity to contribute to their development. On behalf of our entire leadership team, we thank this Court for the opportunity to protect the public and the reputation of the bar through our important work.

Respectfully submitted,

A handwritten signature in black ink, reading "Johanna Barba Jones". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Johanna Barba Jones

Director

Office of Attorney Ethics

ANNUAL REPORT



2023

Johanna Barba Jones
Director

Jason D. Saunders
First Assistant Ethics Counsel

Table of Contents

I.	Executive Summary	1
II.	Introduction	2
III.	New Jersey Attorney Data	7
IV.	A Culture of Compliance: Regulatory Efforts Short of Investigation	14
V.	Subtracting That Which is Not Misconduct	25
VI.	Disciplinary Investigations	34
VII.	Agreements in Lieu of Discipline (“Diversion”)	38
VIII.	Substantiated Cases Which Are Not Minor	40
IX.	Sanctions	42
X.	Grounds for Final Discipline	46
XI.	After Discipline: Monitoring & Reinstatement	49
XII.	Appendix	52

Table of Figures

	<u>Title</u>	<u>Page</u>
Figure 1	Number of New Jersey Lawyers Over Time	7
Figure 2	Distribution of New Jersey Bar by Period of Admission	8
Figure 3	New Jersey Attorney Age	8
Figure 4	New Jersey Attorneys and Private Practice	10
Figure 5	Firm Structure	11
Figure 6	New Jersey Law Firm Size	12
Figure 7	New Jersey Attorney Fixed Physical Office Locations	13
Figure 8	Random Audit Program: Educational Audits and Disciplinary Referrals	17
Figure 9	Trends in Overdraft Notification Reporting to the OAE	19
Figure 10	Disposition of 2023 Overdraft Notifications Received	20
Figure 11	Causes of Overdrafts in Closed Matters	21
Figure 12	Number of Attorneys Receiving Final Discipline Resulting From Overdraft Investigation	22
Figure 13	Fee Arbitration Filings	29
Figure 14	Fee Arbitration Outcomes	30
Figure 15	Fee Arbitration Case Values	30
Figure 16	Disability Inactive Orders Volume 2019-2023	33
Figure 17	Docketed Grievances 2019-2023	35
Figure 18	% of Active Lawyers Investigated and Charged	36
Figure 19	Investigative Time Goal Compliance	37
Figure 20	Average Age of Investigations	37
Figure 21	New Jersey Attorneys Approved for Diversion	39
Figure 22	New Formal Disciplinary Complaints Added	41
Figure 23	Final Discipline Types	43
Figure 24	Disciplinary Sanctions 2019-2023	45
Figure 25	Most Common Primary Grounds for Final Discipline	46
Figure 26	Number of New Jersey Attorneys Subject to Monitoring	49
Figure 27	Reinstatement Orders	51

TABLE OF APPENDIX

	<u>Description</u>	<u>Page</u>
Table 1	District Ethics Committee Officers as of September 1, 2023	52
Table 2	District Fee Arbitration Committee Officers as of September 1, 2023	53
Table 3	Disciplinary Oversight Committee as of September 1, 2023	54
Table 4	Year Admitted	55
Table 5	Age Groups	55
Table 6	Admissions in Other Jurisdictions	56
Table 7	New Jersey Admitted Attorney Law Offices by State	57
Table 8	New Jersey Practitioner Law Offices by County	57
Table 9	OAE Yearly Discipline Report	58
Table 10	2023 Disciplinary Summaries	64

I. EXECUTIVE SUMMARY

As of December 31, 2023:

- New Jersey's licensed attorney population was 100,210 – one attorney for every 93 citizens of our state.
- During 2023, the Garden State had the 6th highest number of attorneys admitted to practice in the nation, with that ranking unchanged since 2017.
- During 2023, New Jersey ranked 42nd in the country in annual attorney licensing fees charged (at \$239).
- During 2023, a total of 877 attorneys and non-attorney public members volunteered to serve the Court on the 18 District Ethics Committees (596 volunteers) and the 17 District Fee Arbitration Committees (281 volunteers).
- Thirty-seven (37) fewer attorneys were disciplined in 2023 (total: 102) than in 2022 (total: 139).
- New investigations increased by 11.3% during 2023 (total: 919) from the filings in 2022 (total: 815).
- New formal charges decreased by 10.7% in 2023 (total: 151) compared to 2022 (total: 169).
- The OAE's yearly average investigative time goal compliance increased by 8% during 2023, from 57% in 2022 to 65% in 2023.
- District Ethics Committees' yearly average time goal compliance for 2022 decreased by 4%, from 53% in 2022 to 49% in 2023.
- District Fee Arbitration Committees handled a total of 912 cases involving more than \$5.9 million in legal fees during 2023.
- The OAE's Random Audit Compliance Program conducted 769 audits of law firms in 2023.
- Twelve (12) lawyers were disciplined (including three disbarments) through the detection efforts of the Random Audit Compliance Program.
- In 2023, 143 attorney trust account and IOLTA attorney trust account overdrafts were reported to the OAE.
- A total of eight (8) lawyers were disciplined in 2023 (including one disbarment) due to the Trust Account Overdraft Notification Program.

II. INTRODUCTION

The 1947 New Jersey Constitution provides that the “Supreme Court shall have jurisdiction over the admission to the practice of law and the discipline of persons admitted.” That constitutional mandate has evolved into a comprehensive system for attorney regulation which guides and governs New Jersey lawyers throughout their careers.

The Supreme Court primarily communicates its expectations regarding the practice of law through Court Rules. The nuts and bolts of the practice of law, including attorneys’ financial recordkeeping obligations, are explained in R. 1:21-1 to -12. The ethical expectations of attorneys are explained in the Rules of Professional Conduct (the RPCs) (which are made expressly binding upon attorneys by operation of R. 1:14).

Beyond expressing its expectations in Rules, the Court has created regulatory entities to serve its constitutional mandate. First, the Committee on Character and the Board of Bar Examiners screen individuals proposing to enter the profession. Other Supreme Court Committees provide advisory services: Advisory Committee on Professional Ethics (ACPE); Committee on Attorney Advertising (CAA); and Committee on the Unauthorized Practice of Law (CUPL). Those entities meet periodically to consider novel issues. Their decisions do not reference particular cases or controversies and are published for the use of the entire bar.

Not all ethical dilemmas are novel or unfold slowly enough that a practitioner can wait for a written decision. Recognizing this, the Court also provides an Ethics Hotline to assist attorneys to resolve day-to-day ethical dilemmas. Questions posed to the Ethics Hotline are not shared with disciplinary authorities. R. 1:19-9(d) expressly states “[n]either the fact that an inquiry has been made nor the results thereof, shall be admissible in any legal proceeding, including an attorney or judicial discipline proceeding.”

Another way in which the Court has exercised its power to assist practicing attorneys is through the creation in 1999 and annual funding of the New Jersey Lawyers’ Assistance Program (NJLAP). Managed by the New Jersey State Bar Association (NJSBA), the NJLAP is a “free and confidential resource assisting all NJ Lawyers, Judges, Law Students, and Law Graduates to achieve and maintain personal and professional well-being.” Like the Ethics Hotline,

NJLAP has no reporting relationships with the Office of Attorney Ethics (the OAE), bar associations, or any entity or tribunal. Its services are confidential, and stand under the broad offering, “[n]o matter what the problem, you need not manage alone.” Although there is no limitation on NJLAP’s service areas, it explicitly covers “depression, stress, anxiety, alcohol & substance abuse, and gambling issues.” Through its funding of NJLAP, the Court strives to eliminate stigma for seeking professional and personal support.

Sometimes, all the Court’s prevention and educational structure are not enough. Accordingly, the Court created the attorney disciplinary system.

The attorney disciplinary system exists to protect the public and the reputation of the bar. To support this role, the Court created two governmental entities to serve that disciplinary mission: the OAE and the Disciplinary Review Board (the DRB). In general terms, the OAE is the investigative and, when appropriate, prosecutorial arm of the New Jersey attorney disciplinary system; the DRB is the intermediate appellate tribunal of the attorney disciplinary system.

The Court also created 36 volunteer entities to serve this mission: 18 local District Ethics Committees, which are loosely organized around the Court’s county and vicinage system; 17 local District Fee Arbitration Committees (the DFACs); and one Disciplinary Oversight Committee (the DOC), charged with ensuring the effective and efficient operation of the disciplinary system. The DOC exercises that oversight predominantly through its review of the Attorney Disciplinary System Budget and a financial audit annually conducted by an outside firm.

This Annual Report is intended to broadly summarize the activity of the OAE. It is presented in the context of, and informed by, certain other data about New Jersey lawyers, acquired through the attorney registration system and maintained by the Lawyers’ Fund for Client Protection (LFCP).

A. Attorney Discipline in Brief

The OAE investigates and prosecutes serious, complex, and emergent matters, statewide. Attorney disciplinary matters of standard complexity are investigated by a devoted volunteer corps of nearly 600 DEC members, both attorneys and members of the public who are appointed to conduct this same important work on a more local level. For the 2023-2024 term of service, there were 596 volunteer members appointed by the Supreme Court (485 attorneys and 111 public members), serving pro bono across the state. As of the end of 2023, the District Ethics Committees were overseen and supported by Statewide Ethics Coordinator Ryan J. Moriarty.

The DEC leadership consists of three attorney officers: a chair, who serves as the chief executive officer responsible for all investigations; a vice chair, who is responsible for all cases in the hearing stage; and a secretary, a member of the bar serves as the administrator of that DEC. The secretary receives and screens all inquiries and grievances. The secretary is not a member of the DEC, and instead functions as the DEC's link to the public, fielding all calls from members of the public and the Bar and providing information about the grievance and disciplinary process. Although secretaries receive an annual emolument to defray the expenses related to their duties, they are nonetheless volunteers, as are all the members of the DEC.

DEC attorney members are assigned to investigate and, if necessary, prosecute grievances docketed with a DEC. Three-member hearing panels comprised of two attorneys and one public member decide cases after formal complaints have been filed.

Not all attorney ethics cases are fully litigated at a hearing. A significant proportion of cases proceed to appellate review by the DRB by consent, default, disciplinary stipulation, or a fully-admitted complaint. During 2023, OAE ethics counsel appeared before the DRB to argue a total of 67 separate matters. Those arguments may be viewed in real time, online, via the Court's channels service.¹ The DRB's review is de novo on the existing record. The DRB publishes its own annual report, accessible on its website.²

¹ <https://www.njcourts.gov/public/channels>

² <https://www.njcourts.gov/attorneys/attorney-ethics-and-discipline/disciplinary-review-board>

Of course, the Supreme Court itself is the ultimate authority in attorney discipline. N.J. Const. art. VI, Section II, ¶3. The Court hears oral arguments in disciplinary matters at the Richard J. Hughes Justice Complex.³ Only the Court can Order disbarment of an attorney. In all other matters, the decision or recommendation of the DRB becomes final on the entry of a disciplinary order by the Court, unless the Court grants a petition for review or issues an Order to Show Cause on its own motion.

The OAE represents the public interest in all cases before the Court. During 2023, OAE ethics counsel appeared a total of 8 times for oral argument in 12 disciplinary cases. Arguments may be streamed in real time from the Court’s website.

B. Non-Disciplinary Responsibilities of the OAE

The OAE is primarily known for conducting professional ethics investigations and prosecutions. Complex cases include Motions for Final Discipline under R. 1:20-13, where an attorney has been convicted of a crime, and Motions for Reciprocal Discipline under R. 1:20-14, where another jurisdiction has determined that a New Jersey attorney committed misconduct.

As reviewed above, the OAE provides legal and administrative support to the more than 600 volunteers who themselves investigate “standard” ethics grievances and hold local hearings to dispose of them.

However, the work of the OAE also captures compliance activities, bar support activities, and follow-ups upon discipline which are not frequently associated with the OAE.

In addition to serving the duties outlined above, the OAE serves both monitoring and supervision functions for the attorney disciplinary system. Particularly, the OAE has responsibility for the monitoring of disciplined attorneys to ensure their adherence to the Court-imposed conditions in final Orders of discipline.

Likewise, the Director of the OAE has the responsibility to monitor attorneys’ adherence to conditions of diversion, a sort of pre-trial

³ <https://www.njcourts.gov/courts/supreme/supreme-court-webcast>

intervention for substantiated minor discipline cases, the admission to which is addressed in “Agreements in Lieu of Discipline” (“Diversion”) below.

Sometimes, an attorney must unexpectedly set aside the practice of law. Reasons range from unexpected incapacity, suspension, or disbarment of an attorney. In such situations, an Assignment Judge may appoint an attorney-trustee to wind down that attorney’s practice of law. By so doing, the Judiciary intends to protect the interests of the affected clients. The OAE provides support to Assignment Judges and the attorneys they appoint as trustees, tracking all trusteeships throughout the state. The OAE also publishes a guide for attorney trustees.⁴

The OAE provides legal and administrative support to the 17 DFACs who dispose of approximately \$6M in disputes concerning legal fees per year. That work is described in greater detail in “Subtracting That Which is Not Misconduct” below. The OAE’s administrative functions with regard to the DEC and DFACs include facilitating the appointment of the nearly 900 volunteers upon whose talents those two important programs rely.

The OAE’s education and quality assurance work, including the Random Audit Program (RAP) and the Trust Account Overdraft Notification Program (TAONP), will be discussed in “Culture of Compliance” below.

These diverse services to the public and the bar in combination serve the two purposes of the attorney disciplinary system: to protect the reputation of the bar and to protect the public at large.

⁴ Office of Attorney Ethics, Closing or Assuming Temporary Control of Another Attorney’s Law Practice: Manual for New Jersey Attorney Trustees (March 2017). This document is available upon request. Sample forms for a [Verified Petition for Appointment of an Attorney-Trustee](#) and an [Order for Appointment of an Attorney-Trustee](#) may be accessed on the Judiciary’s website.

III. NEW JERSEY ATTORNEY DATA

According to a July 1, 2023 survey compiled by the OAE for the National Organization of Bar Counsel, Inc., a total of 2,197,083 lawyers were admitted to practice in the United States. New Jersey ranked 6th out of 51 jurisdictions in the total number of lawyers admitted, or 4.51% of the July national total.

As of the end of December 2023, there were a total of 100,210 attorneys admitted to practice in the Garden State, or one lawyer for every 93 New Jersey citizens. The total number of New Jersey lawyers added to the bar population increased by 1% in 2023.

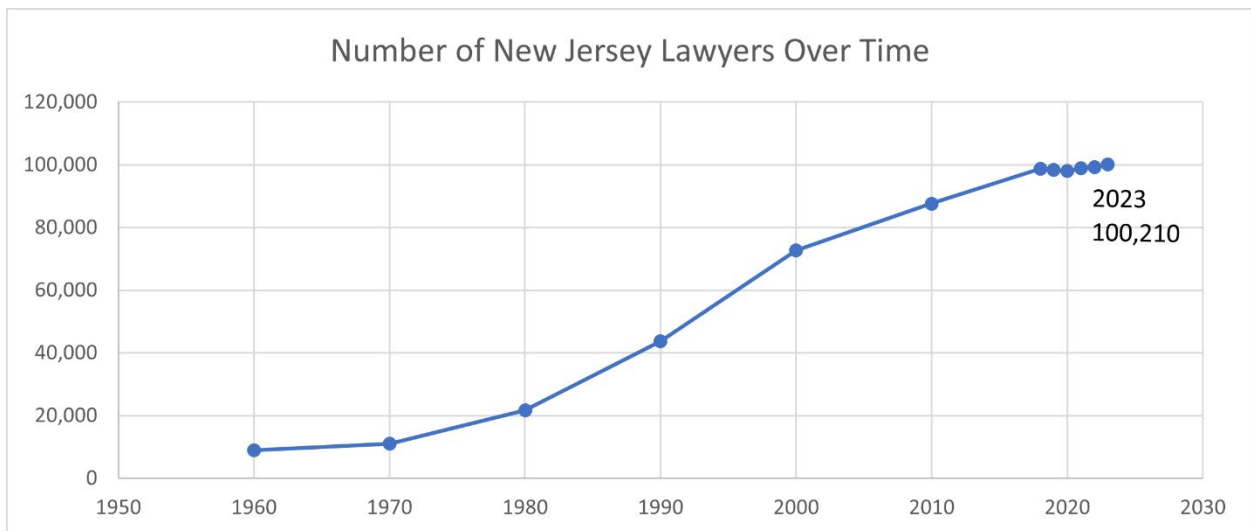


Figure 1

A. Admissions

As of December 31, 2023, 100,210⁵ attorneys are admitted in our state. Of those, 49.3% were admitted since 2001 and 22.4% were admitted between 1991-2000. The other 28.2% were admitted in 1990 or earlier.

⁵ This figure does not equal the total attorney population, as calculated by the LFCP, because the LFCP total does not include those attorneys who were suspended, deceased, disbarred, resigned, revoked, or placed on disability-inactive status after the attorney registration statements were received and tabulated.

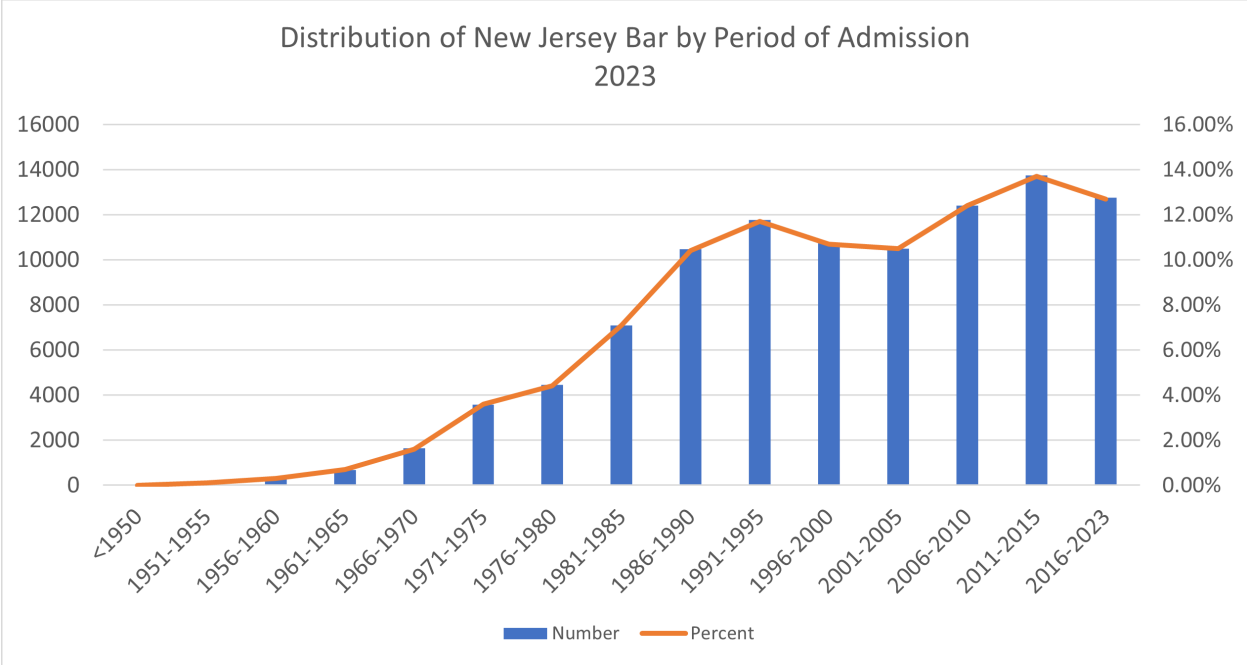


Figure 2

The data set may be viewed at Table 4 on page 55.

B. Attorney Age

Of the 100,210 attorneys for whom some registration information was available, 100,009 (99.8%) provided their date of birth. A total of 201 attorneys (0.2%) did not respond to this question.

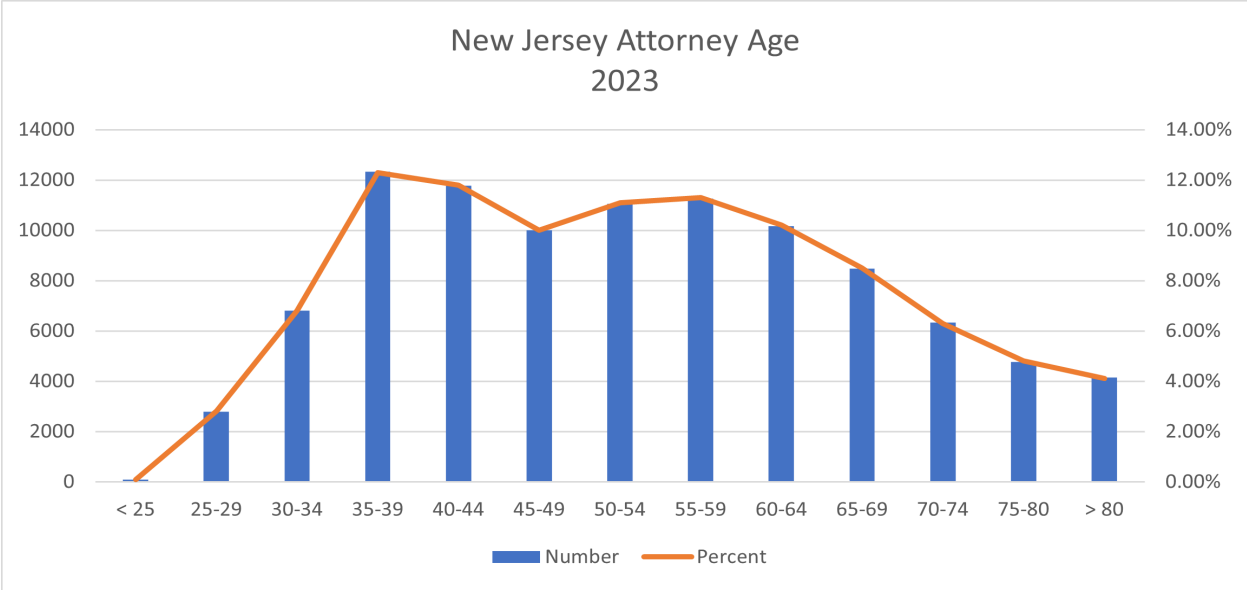


Figure 3

Attorneys in the 35-44 age range comprised the largest group of attorneys admitted to practice in New Jersey at 24.1% (24,108). The 50-59 year category comprised 22.4%, or 22,330 lawyers. Another 10% (9,995) were between the ages of 45-49. The fewest numbers of attorneys were below the age of 29 and over the age of 70. The data set may be viewed at Table 5 on page 55.

C. Other Admissions

More than 73.5% of the 100,210 attorneys for whom some registration information was available were admitted to other jurisdictions. Over a quarter (26.5%) of all attorneys were admitted only in New Jersey. The three largest additional jurisdictions for New Jersey attorneys are New York (46.71%), Pennsylvania (26.6%), and the District of Columbia (6.79%). See Table 6, p. 56.

D. Private Practice

Of the 100,210 attorneys on whom registration information was tabulated, 36,319 stated that they engaged in the private practice of New Jersey law, either from offices within New Jersey or at locations elsewhere. Accordingly, a little more than thirty-six percent (36.2%) of the attorneys engaged in the private practice of New Jersey law, while 63.8% did not practice in the private sector.

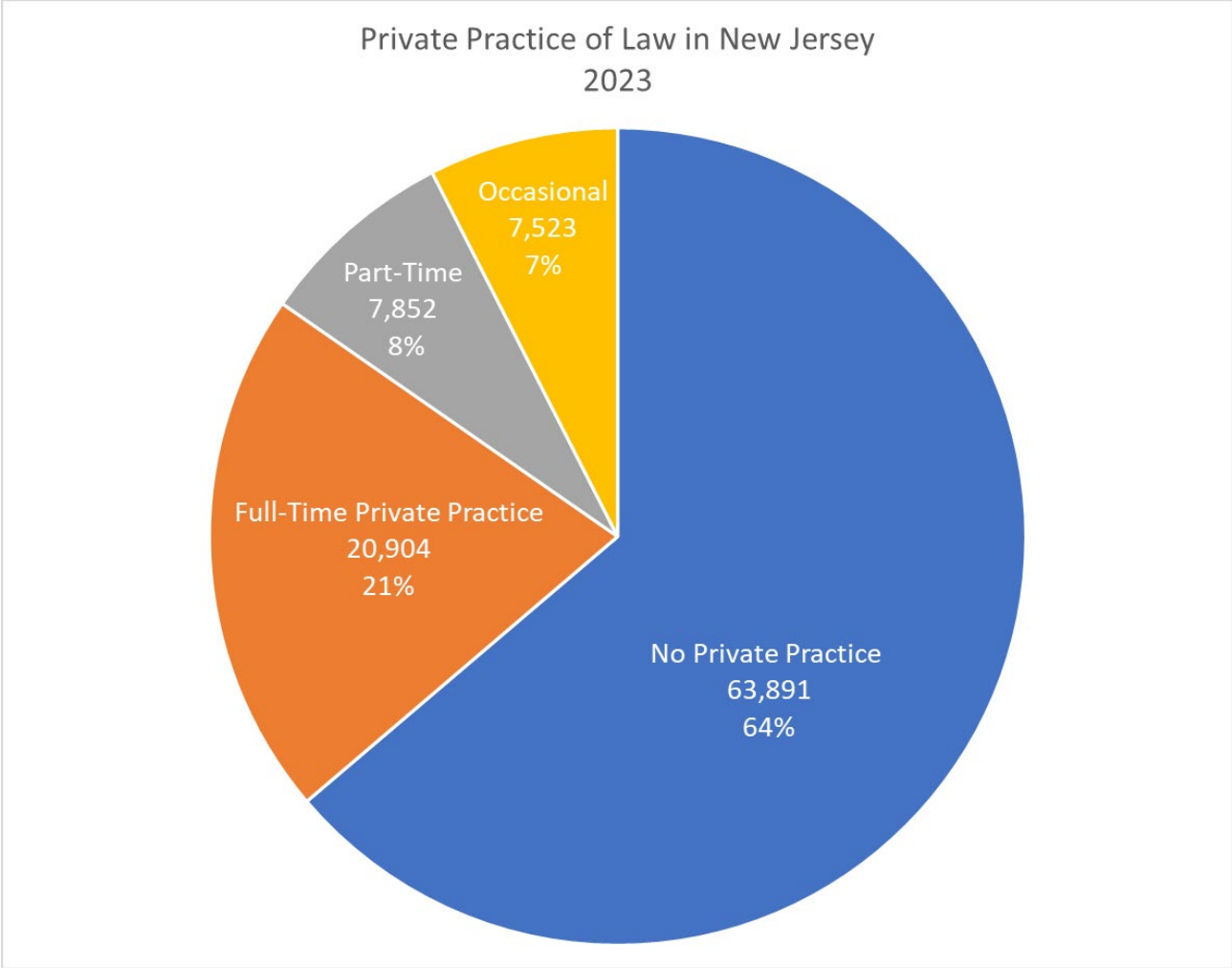


Figure 4

Of those who engaged in the private practice of New Jersey law, 99.9% responded to describe the amount of time devoted to the practice of law. Almost fifty-eight percent (57.6%) practiced full-time, 21.6% rendered legal advice part-time, and 20.7% engaged in practice occasionally (defined as less than 5% of their time). Point one percent (.1%) of responses were unspecified.

1. Private Practice Firm Structure

Of the 36,319 attorneys who indicated they were engaged in the private practice of New Jersey law, 97% (35,237) provided information on the structure of their practice. The largest group self-identified as partners (33.3%; 12,091). Twenty-nine point eight percent (29.8%) of the responding attorneys practiced in sole proprietorships (sole practitioners

(9,554) plus sole stockholders (1,257). Associates comprised 23.9% of the responses (8,684), followed by attorneys who were “of counsel” with 8% (2,894), and “other than sole stockholders” with 2.1% (757).

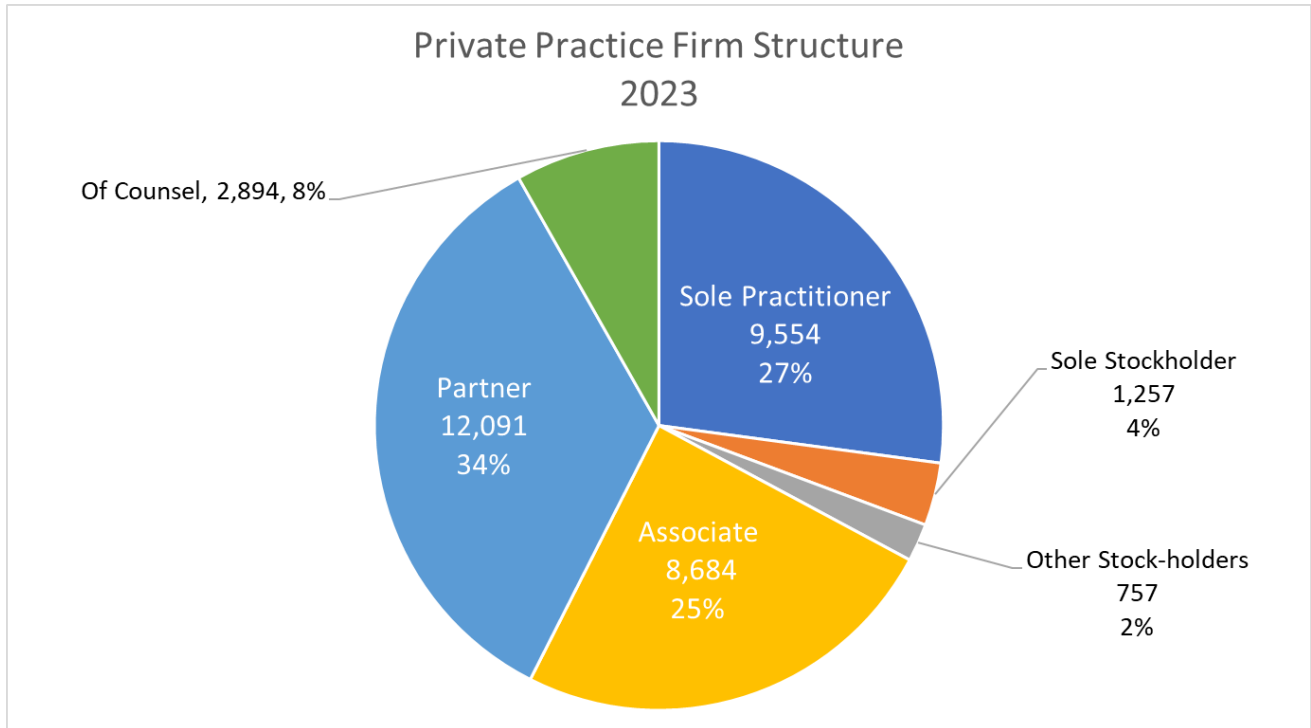


Figure 5

2. Private Practice Firm Size

More than 99.9% (36,290) of those attorneys who identified themselves as being engaged in the private practice of law indicated the size of the law firm of which they were a part. Twenty-nine point two percent (10,606) said they practiced alone; 8.3% (3,008) worked in two-person law firms; 12.3% (4,465) belonged to law firms of 3-5 attorneys; 28.1% (10,223) were members of law firms with 6-49 attorneys, and 22% (7,988) worked in firms with 50 or more attorneys.

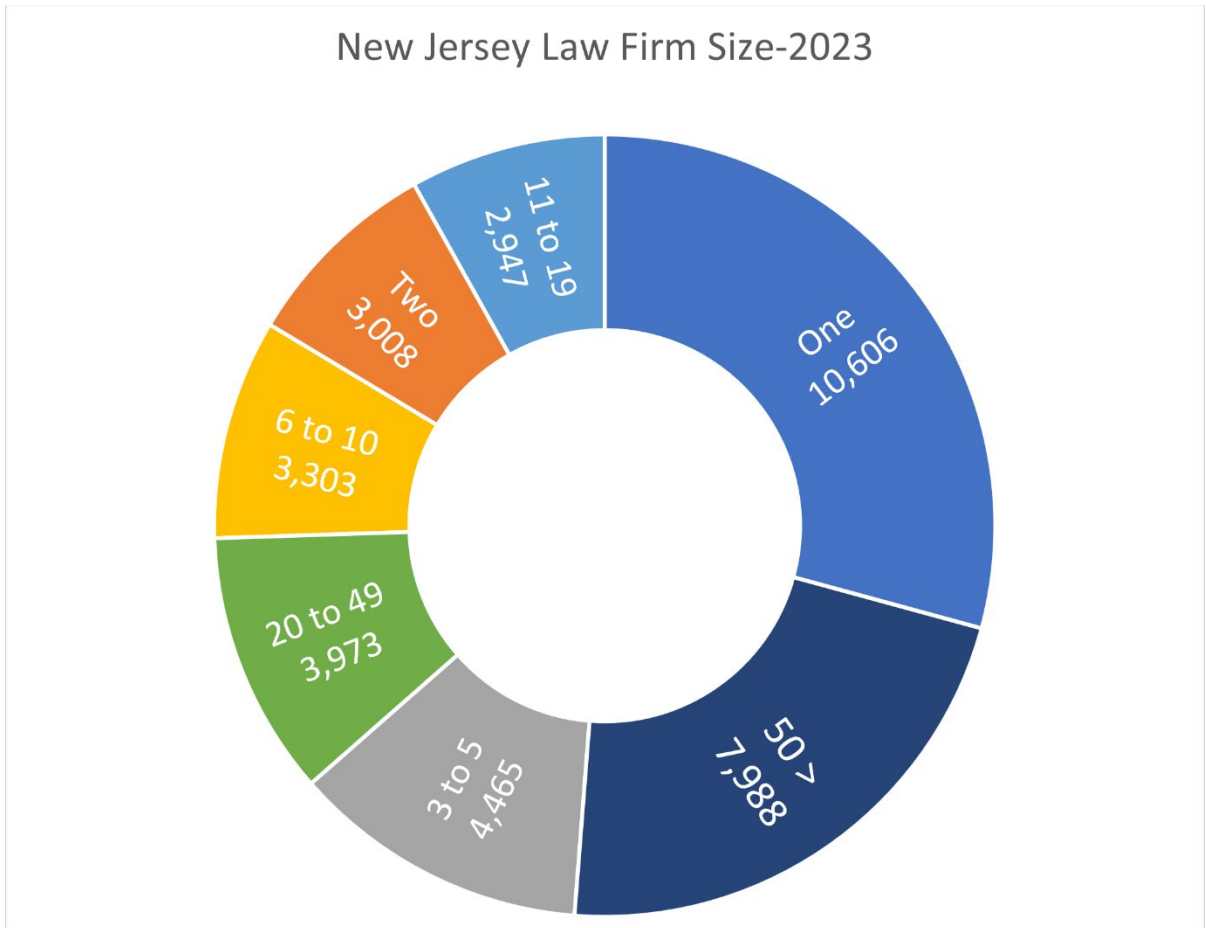


Figure 6

3. *New Jersey Offices*

New Jersey attorneys are no longer required to maintain a “bona fide” office in New Jersey. R. 1:21-1(a)(1). Nevertheless, in 2023, 23.3% of New Jersey attorneys (26,538) had a fixed physical location for the practice of law within the state. Almost twenty-seven percent (26.9%) of New Jersey attorneys (9,770) had offices located in other jurisdictions: New York 12.2% (4,441), Pennsylvania 12.3% (4,475), and Delaware less than 1% (0.4% 134). Other United States jurisdictions represent 2.0% (720). See Table 7, p. 57.

4. Fixed Physical Office Locations

The number of unique law firms registered in NJ today is 14,109.

During 2023, Essex County housed the largest number of private practitioners with 16.2% (4,291), followed by Bergen County with 13.2% (3,507). Morris County was third at 12.5% (3,309), and Camden County was fourth with 8.1% (2,147).

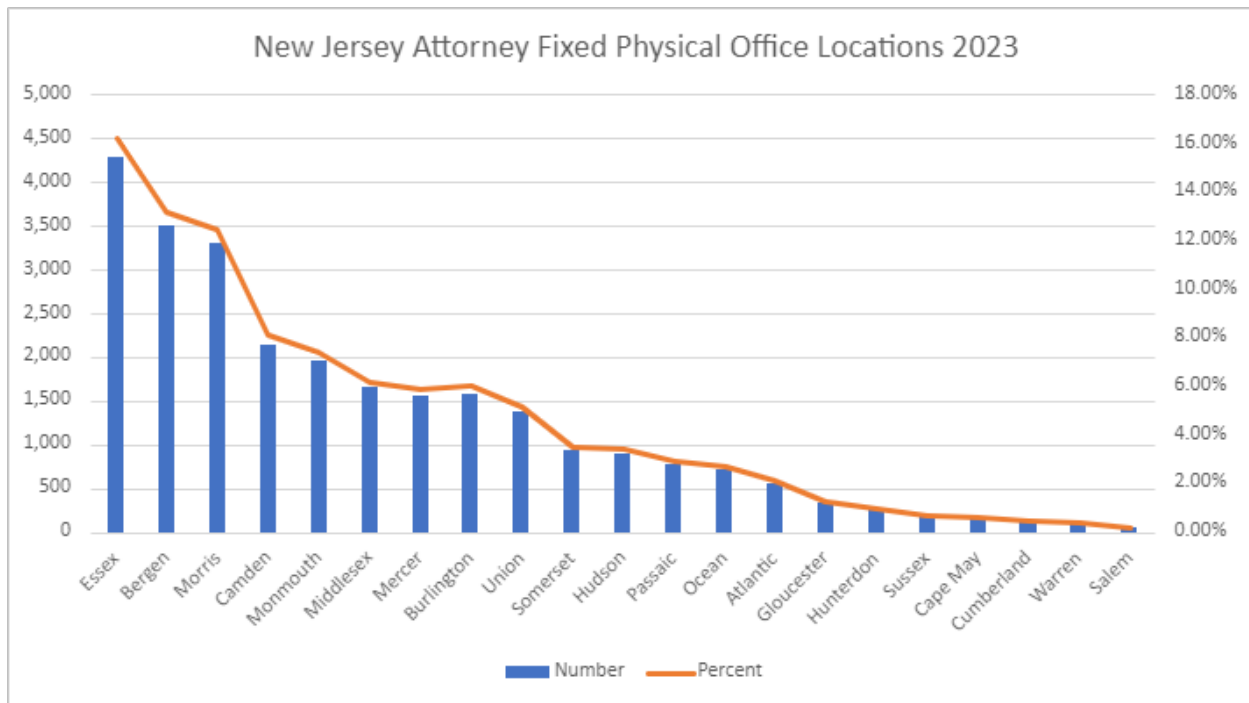


Figure 7

A full data set may be found in Table 8 on page 57.

IV. CULTURE OF COMPLIANCE

The OAE's programs support New Jersey attorneys' existing culture of compliance. The OAE's education and quality assurance efforts aim to ensure that attorneys understand the obligations of our profession, that minor deviation from those obligations are corrected through education, and that the attorney disciplinary system is well positioned to uniformly and fairly investigate serious deviations.

New Jersey has the most proactive financial programs of any state in the country, including the Trust Account Overdraft Notification Program (TAONP) and Random Audit Compliance Program (RAP). The impact of each program during 2023 is summarized below. When applicable, the impact of the TAONP and RAP is noted in each of the individual final discipline summaries appearing in the Appendix.

The OAE's staff also devotes considerable annual effort to preventive education of the bar and the training of its talented volunteer corps. Highlights of these programs appear below.

A. Random Audit Program (RAP)

The Supreme Court of New Jersey has been a national leader in protecting the public by actively auditing attorney trust accounts for compliance with mandatory fiduciary rules. New Jersey's RAP has been conducting financial compliance audits of law firms since July 1981. New Jersey is the state with the largest lawyer population in the country to conduct a random auditing program. During 2023, only eight other states had operational random programs. In order of implementation, they are Iowa (1973), Delaware (1974), Washington (1977), New Hampshire (1980), North Carolina (1984), Vermont (1990), Kansas (2000), and Connecticut (2007).

The OAE administers RAP. In 2023, RAP staff was managed by Chief Auditor Joseph Strieffler, who joined the OAE in 1998 and was promoted to Chief of Random Audit in 2020. Other staff included two Senior Random Auditors and three Random Auditors.

Pursuant to R. 1:21-6, all private law firms are required to maintain trust and business accounts and are subject to random audit reviews. On average, at

any given time, clients allow New Jersey lawyers to hold almost three billion dollars in primary attorney trust accounts (“IOLTA” trust accounts) alone. Even more money is controlled by New Jersey law firms in separate attorney trust and other fiduciary accounts in connection with estates, guardianships, receiverships, trusteeships, and other fiduciary capacities. Both public protection and the public’s trust in lawyers require a high degree of accountability.

Over 40 years after RAP first began, the conclusion is that the overwhelming majority of private New Jersey law firms (98.5%) account for their clients’ funds honestly and without incident. Although technical accounting deficiencies are regularly found and corrected, the fact is that only 1.5% of the audits conducted over that period have found serious ethics violations, such as misappropriation of clients’ trust funds. Since law firms are selected randomly for audit on a statewide basis, the selections and, therefore, the results are representative of the handling of trust monies by private practice firms. These results should give the public and the bar great trust and confidence in the honesty of lawyers and their ability to faithfully handle monies entrusted to their care.

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

No law firm is chosen for random audit except by random selection. To ensure the randomness of that selection, RAP utilizes a computer program based on a Microsoft Corporation algorithm for randomness. The pool of attorneys randomly audited are those engaged full-time in the private practice of law. From that pool, attorneys are selected by unique telephone number. The algorithm automatically drops out of the selection process any attorneys possessing the same Firm ID number and any firm which has been the subject of a random audit that occurred within the past five years. In this way, all law

firms, regardless of size, have an equal likelihood of being selected for a random audit.

Court Rule 1:21-6 (“Recordkeeping”) has provided attorneys with detailed guidance on handling trust and business accounts for more than 53 years. It is the uniform accounting standard for all audits. This Rule, which incorporates generally accepted accounting practices, also specifies in detail the types of accounting records that must be maintained and their location. It also requires monthly reconciliations, prohibits overdraft protection, electronic transfers which do not have corresponding written instructions to the Bank, the use of ATM cards for trust accounts, and requires a seven-year records retention schedule.

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

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

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

The deficiency checklist is followed by a letter confirming the exit conference and describing any shortcomings for which corrective action is necessary. An acknowledgement of receipt and a response of corrections, and

in some instances a certification, must be filed with RAP within 45 days of the date of the letter, specifying how each deficiency has, in fact, been rectified. If the confirming letter is received from the attorney, the case is closed. If the letter is not received, a final ten-day letter advises the attorney that, if no confirming letter is received within ten days, the matter may be referred for formal disciplinary investigation which may result in the filing of a public disciplinary complaint. When a complaint is filed, discipline is the uniform result. In re Schlem, 165 N.J. 536 (2000).

The RAP also publishes a manual entitled [New Jersey Attorney’s Guide to the Random Audit Program and Attorney Trust Accounts and Recordkeeping](#). That manual is sent to all law firms with the initial random audit scheduling letter. Detailed information on the program is also available on the OAE’s website.

The RAP conducted 769 audits of law firms in 2023, an increase of 16 from 2022.

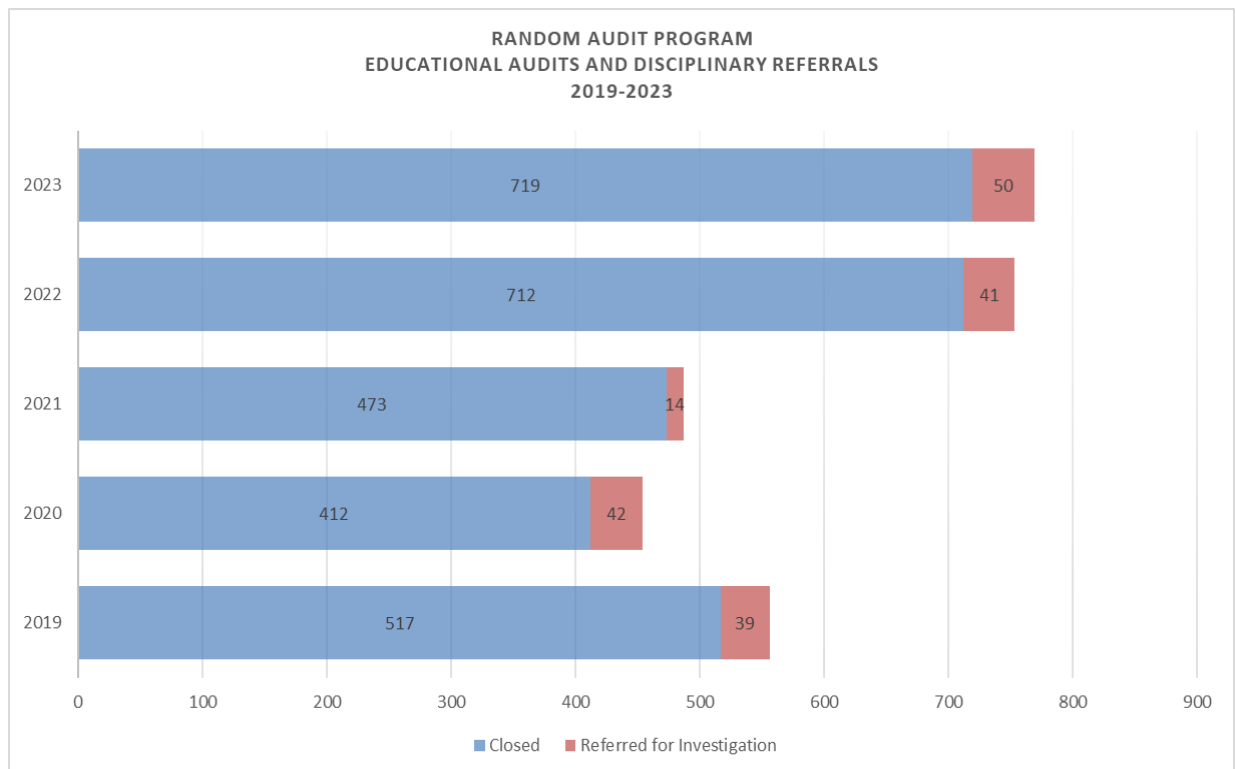


Figure 8

It is worth noting that the increase in productivity did not lead to an outsized number of referrals, the rate of which (6.5%) was in alignment with the five-year average.

Each year RAP's staff of experienced auditors uncovers a small, but significant, number of cases of lawyer theft, knowing misappropriation, and other serious financial violations. This past year, twelve (12) attorneys, detected solely by RAP, were disciplined by the Supreme Court.

During the forty two years of RAP's operation, serious financial misconduct by 270 attorneys was detected solely as a result of being randomly selected for audit. Of those, 115 attorneys were disbarred; 24 were suspended for periods of one month to three years; 30 were censured; 73 were reprimanded; and 28 received admonitions.

The vast majority of the matters detected were very serious disciplinary cases that resulted in disbarment or suspension. Disbarred (115) and suspended (24) attorneys account for more than five in ten of all attorneys disciplined as a result of RAP's efforts (51.48%). However, discipline alone does not adequately emphasize the full importance of RAP's role over the past forty two years and the monies potentially saved as a result by the LFCP.

B. Trust Account Overdraft Notification Program (TAONP).

The OAE's Trust Account Overdraft Notification Program (TAONP) was managed by Chief of Investigations, Alison Picione, who joined the OAE in 2017 and was promoted to Chief in 2022. The TAONP has been in existence since 1985. Rule 1:21-6 requires financial institutions wishing to hold attorney trust funds to enter into a biennial agreement with the Supreme Court.

Each bank on the Supreme Court's approved list of banks is required, pursuant to their agreement with the Supreme Court and in accordance with Rule 1:21-6(b), to report to the OAE any overdraft or item presented against insufficient funds in an attorney trust account or IOLTA attorney trust account. The overdraft notifications are received and reviewed by the Chief of Investigations.

In the event of an overdraft notification, the attorney is sent a letter requiring them to provide a documented explanation as to why the overdraft occurred. Each attorney is also required to produce for review a limited amount of trust account records (usually three months) which encompass the timeframe of the overdraft.

The majority of overdrafts are closed after receiving the attorney’s documented explanation, provided the explanation is reasonable and there is no indication of recordkeeping deficiencies or a failure to safeguard client funds. If the attorney does not provide a fully responsive explanation, or the OAE’s review raises concerns about proper recordkeeping or failure to protect client funds, the overdraft is assigned to an investigator or auditor for further investigation.

The OAE received 143 overdraft notifications in 2023, an 8% increase when compared to notifications received in 2022. Between 2019 and 2022, the number of overdraft notifications received had trended steadily downward. In 2023, there was an increase in trust account notifications received, resulting in an upward trend:

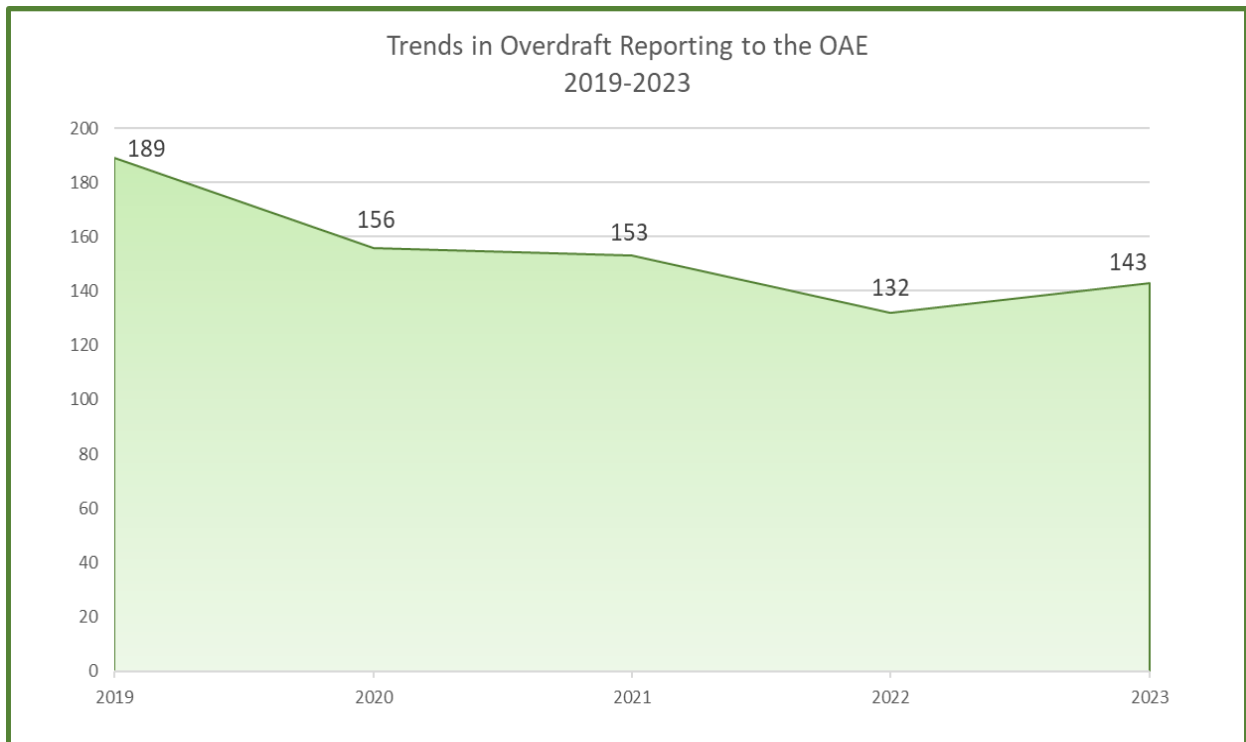


Figure 9

Of the 143 notifications received in 2023, 83% of matters (119) were reasonably explained by the attorney and the OAE exercised discretion to close these matters with no further action. Twenty-four, or 17%, of overdraft notifications received were assigned for audit and investigation, to more closely evaluate the overdraft and because the attorney’s initial documented explanation raised concerns about improper recordkeeping and/or failure to safeguard client funds.

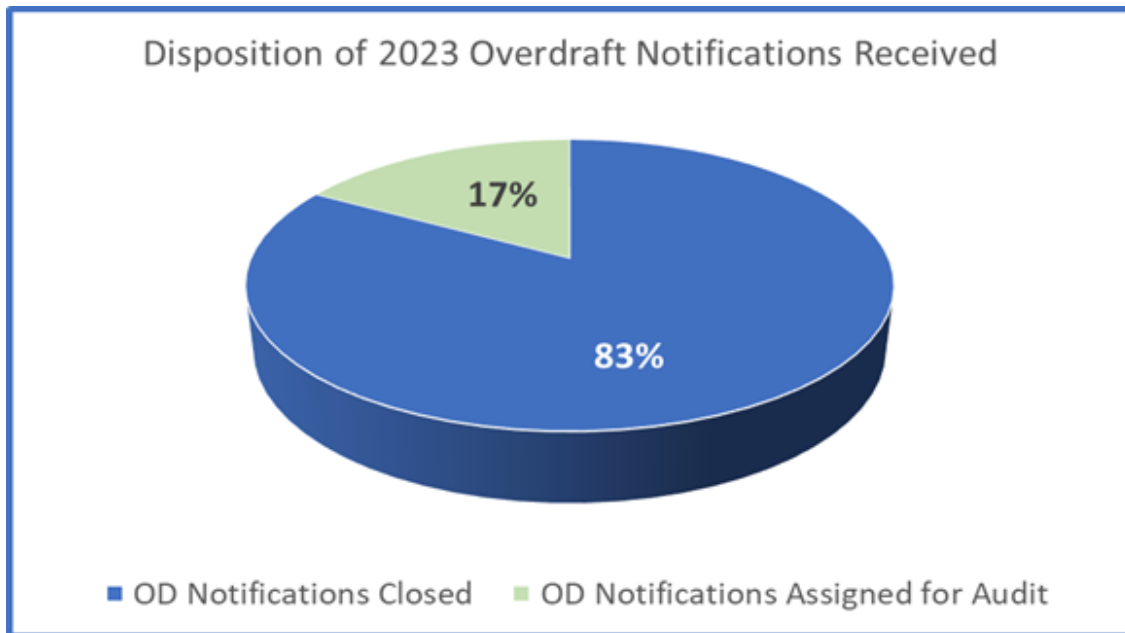


Figure 10

The OAE’s review of documented overdraft explanations from attorneys showed law office errors were the leading cause (41%) of trust account overdrafts closed in 2023, followed by bank errors (24%). Regarding the 119 closed matters, the specific causes for overdrafts were generally categorized as follows:⁶

⁶ This “Other” designation is usually used in cases of fraud perpetrated against an attorney trust account or unusual circumstances that do not fall into one of the other categories.

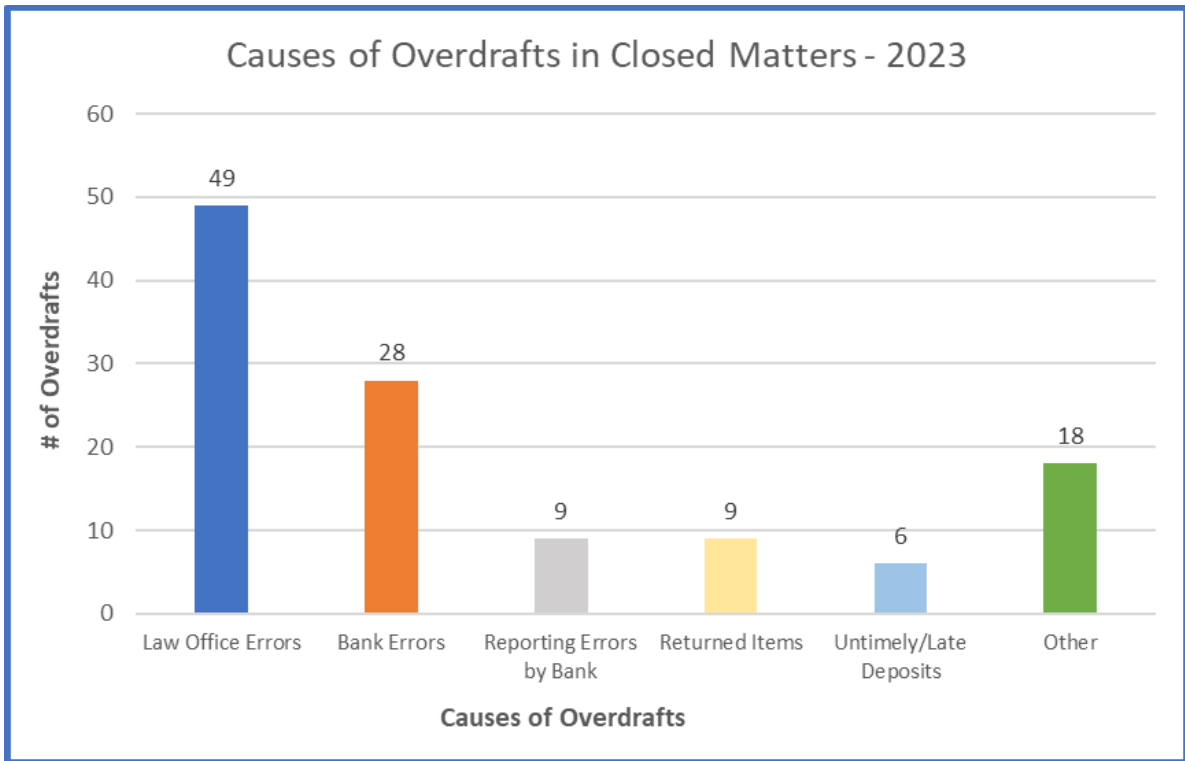


Figure 11

In 2023, eight attorneys received final discipline as the result of matters initiated by and/or discovered through the TAONP program. Of the eight attorneys disciplined, one attorney was disbarred by consent, one attorney received a term of suspension, two attorneys were censured, three attorneys received a public reprimand, and one attorney received an admonition.

In addition, one attorney was placed on disability inactive status in 2023 as the result of medical issues discovered during a trust overdraft audit/investigation. The handling of these sensitive matters, including the empathetic recognition of the attorney’s health issues, coupled with the mission of protecting the public, further underscores the value of the TAONP program.

Since 1985, when the OAE TAONP was first established, and through 2023, 281 attorneys have been disciplined as the result of overdraft investigations. Of those disciplined, 115 attorneys were disbarred either by consent or via the disciplinary process.

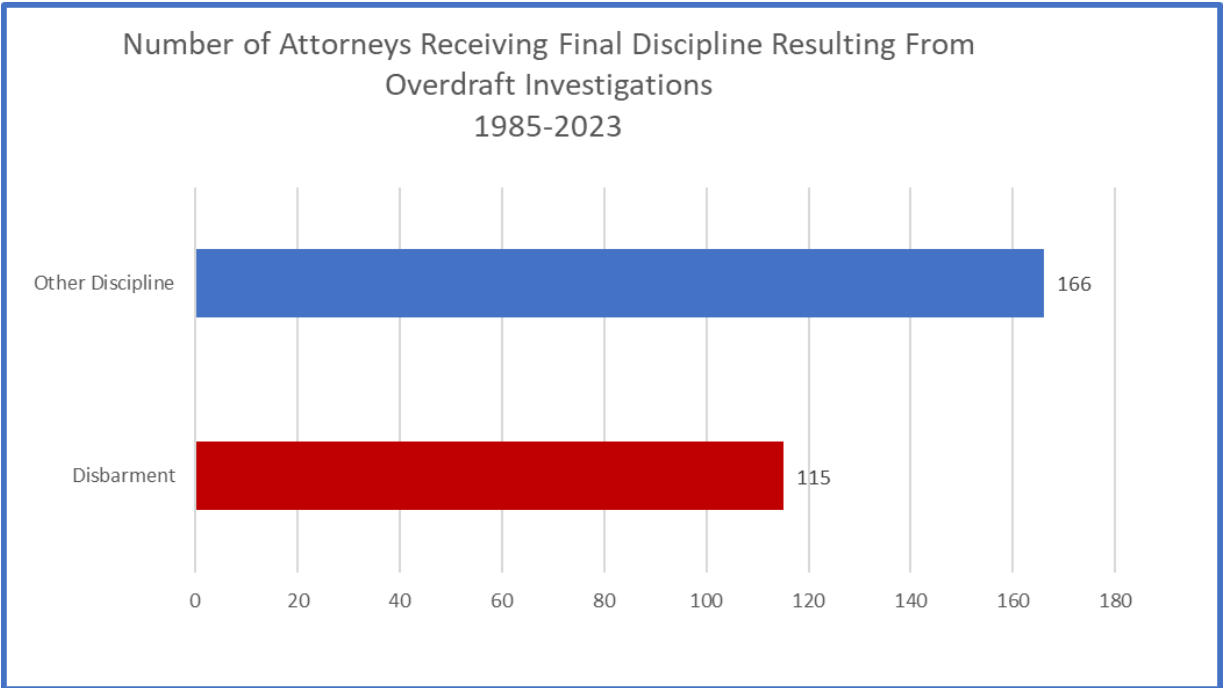


Figure 12

C. Education of the Bar

The OAE has always recognized the value of education and training as a component of its protective mission. During 2023, ten OAE staff members presented twenty-six public educational programs to audiences including, but not limited to, the New Jersey State Bar Association, the Garden State Bar Association, the New Jersey Association for Justice, the Hudson Inn of Court, the South Asian Bar Association, Rutgers Law School, and the Public Defender’s office. All told, these efforts provided 54 hours of free CLE credits to attendees.

Topics included fee arbitration, referral fees, the new challenges of AI in the practice of law, the Rules of Professional Conduct, How to Prepare for a Random Audit, the roles of the OAE and the DRB, RPCs for Mental Health Public Defenders, Legal Malpractice Update-Wilson after Wade, and four separate Trust and Business Accounting seminars.

Under its Approved Provider status, the OAE presented training to the members of the DECAs and DFACs totaling 3,240 minutes of free CLE credit.

D. Education of the Volunteer Corps

The OAE is committed to providing valuable training opportunities for its volunteer and full-time staff. As part of this dedication to training, the OAE held its Fourteenth Annual Training Conference on October 25, 2023. This year, the OAE offered four unique substantive programs and a concurrent session focused on Fee Arbitration.

Associate Justice Lee A. Solomon delivered keynote remarks to open the Conference. Justice Solomon began by thanking each component of the ethics system and the individuals comprising the whole. He noted the unique position of trust required by the Court of the volunteer members of the District Ethics and District Fee Arbitration committees. He acknowledged the challenges associated with the work, including the duty to remain fair and impartial, to move cases expediently, and to deal with individuals who were under pressure. He expressed gratitude for the attorney and public members who took valuable time from their busy personal and professional lives to give back to both the legal community, and the public seeking to access legal services.

Justice Solomon's well-received remarks were followed by five workshops designed to meet the specific training needs of those involved in the screening, investigation, prosecution, and adjudication of attorney disciplinary matters.

The first training session on "Disciplinary Review Board Updates" included a detailed discussion of the workings of the DRB, and included practical guidance for individuals who were writing reports for the Board as hearing panel chairs or Special Ethics Adjudicators, as well as tips for individuals called to make oral arguments before the Board.

The second session on "Preparing Strong Hearing Records" focused on evidentiary tips to establish an ethics case by clear and convincing evidence. This session also provided guidance on meeting evidentiary challenges common to ethics matters.

The third session on "Implicit Bias" featured an in-depth discussion with The Honorable Ja Paul J. Harris, Judge of the Ramsey County District Court,

Saint Paul, Minnesota, on ways to recognize and eliminate implicit bias in decision-making.

The fourth session “Insights Into Investigations” matched Deputy Ethics Counsel Rachael Weeks and Assistant Chief of Investigations Jasmin Razanica. The duo gave an informative session, filled with practical examples, on the basic process of investigating an ethics grievance. The fourth session also included an option for Fee Arbitration attendees to participate in a break-out round table discussion hosted by Statewide Fee Arbitration Coordinator Darrell Felsenstein.

A total of 361 individual users attended the online conference for at least part of the day and 81 individual users logged onto the Fee Arbitration concurrent session in the afternoon.

V. SUBTRACTING THAT WHICH IS NOT MISCONDUCT

Not every grievance against an attorney results in an investigation. Many cases are screened out of such consideration or routed into the statewide Fee Arbitration Program. This section summarizes the filtering process and fee arbitration.

A. Grievances

The attorney disciplinary process usually begins with the filing of a grievance against an attorney. Grievances come from various sources, including clients, other attorneys, judges, and the OAE itself. On receipt of a grievance, the DEC Secretary or OAE screener applies the analysis of R. 1:20-3 to determine whether the matter should be docketed.

The disciplinary system must decline for docketing any case in which the facts alleged, if true, do not constitute unethical conduct.

The disciplinary system will likewise decline for docketing any case in which the Court lacks jurisdiction over the attorney, instead routing that grievance to the appropriate jurisdiction. Similarly, allegations of improper advertising are routed to the Committee on Attorney Advertising for exclusive handling by that entity.

Cases involving pending civil and criminal litigation may be declined, unless in the opinion of the DEC secretary or Director, the facts alleged clearly demonstrate provable ethics violations or a substantial threat of imminent harm to the public. In all other situations, the case is declined with an invitation to the grievant to refile the grievance at the conclusion of the litigation.

Finally, a grievance may be declined where the allegations involve aspects of a substantial fee dispute. In such cases, the matter is generally referred to a fee arbitration committee for consideration.

B. Fee Arbitration

The New Jersey Supreme Court has long recognized that disputes between clients and their attorneys are not always matters of ethics, but sometimes

involve other issues linked to the reasonableness of the fee charged by the attorney in relation to the overall services rendered by that attorney. To assist in the resolution of these fee disagreements, the Supreme Court established a fee arbitration system, which relies on the services of volunteers (attorneys and non-attorney public members) serving on 17 DFACs. These volunteers screen and adjudicate fee disputes between clients and attorneys over the reasonableness of the attorney's fee.

The fee arbitration system was established in New Jersey in 1978. It was the second mandatory statewide program in the country, following Alaska. Fee arbitration offers clients and attorneys an inexpensive, fast, and confidential method of resolving fee disagreements. Even today, New Jersey remains one of only a handful of states with a mandatory statewide fee arbitration program.

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

The OAE Fee Arbitration Unit provides legal and administrative support to the 17 district fee secretaries and committees. For the 2023-2024 term, 281 DFAC members served the Supreme Court through this program (187 attorneys and 94 public members), serving pro bono.

1. Fee Arbitration Case Screening

New Jersey's fee arbitration program is a two-tiered system. The fee arbitration hearings are conducted before hearing panels of the 17 DFACs (Figure 14), with appeals heard before the DRB. Only clients may initiate fee arbitration.

The Fee Arbitration process begins when a client submits a completed Attorney Fee Arbitration Request Form (AFARF), along with a \$50 administrative filing fee, to the district fee secretary of the DFAC. The DFAC secretary in the district where the attorney maintains an office will then screen the case to determine if the committee has jurisdiction.

Fee committees lack jurisdiction to arbitrate certain types of fees, including fees allowed by courts and statute, monetary damages for legal malpractice, and fees for legal services rendered by the Office of the Public Defender. They also may not consider any fee in which no attorney's services were rendered more than six years from the date on which the AFARF was received.

Fee committee secretaries also have the discretion to decline certain categories of case, at their option, including cases:

- affecting the interests of third parties;
- raising legal questions beyond the basic fee dispute;
- with a legal fee which is \$100,000 or more; and
- of a multi-jurisdictional character, where substantial services were not rendered in New Jersey.

If the DFAC Secretary determines that the committee has jurisdiction, and the Secretary does not elect to exercise discretionary authority to decline the case, the case will proceed to the response stage.

2. Fee Arbitration Process for Docketed Cases

The attorney whose fee is alleged to be unreasonable is afforded an opportunity to respond to the AFARF and to provide relevant supporting documents and records. The attorney may also join other affected law firms in the proceeding. Like the client, the attorney also must pay a \$50 administrative filing fee.

When both client and attorney have had the opportunity to respond in writing, the matter would be set down for a fee arbitration hearing.

Hearings are scheduled on at least ten days' written notice. There is no discovery. At that hearing, the attorney bears the burden of proving, by a preponderance of the evidence, that the fee charged is reasonable under the eight factors enumerated in RPC 1.5(a).

Following the hearing, the panel or single arbitrator prepares a written arbitration determination, with a statement of reasons annexed, to be

issued within thirty days. The Rules provide for the parties to receive the Arbitration Determination from the district secretary within thirty days of the conclusion of the hearing.

The Court Rules allow a limited right of appeal to the DRB within 21 days of the Committee's written determination. All appeals are reviewed by the DRB on the record. The DRB's decision is final.

The decision of the DFAC in the form of the written Arbitration Determination (FAD) becomes final and binding on the parties. R. 1:20A-2(a).

3. Volume

In 2023, DFACs handled a total of 912 matters, including new cases filed and those that reached a disposition during that year. The committees began the year with 389 cases pending from 2022. During the year, 523 new matters were added. Figure 13. A total of 511 cases were disposed of, leaving a balance of 401 matters pending at year's end. At the conclusion of 2023, the average number of cases pending before each of the 17 Fee Committees was 23 cases per district.

The 523 new filings received in 2023 involved claims against roughly .6% of the active New Jersey attorney population (74,424). Some areas of practice (matrimonial, in particular) involve high billings for legal fees, over the course of protracted litigation. Many such cases are filed as fee arbitration disputes per year.

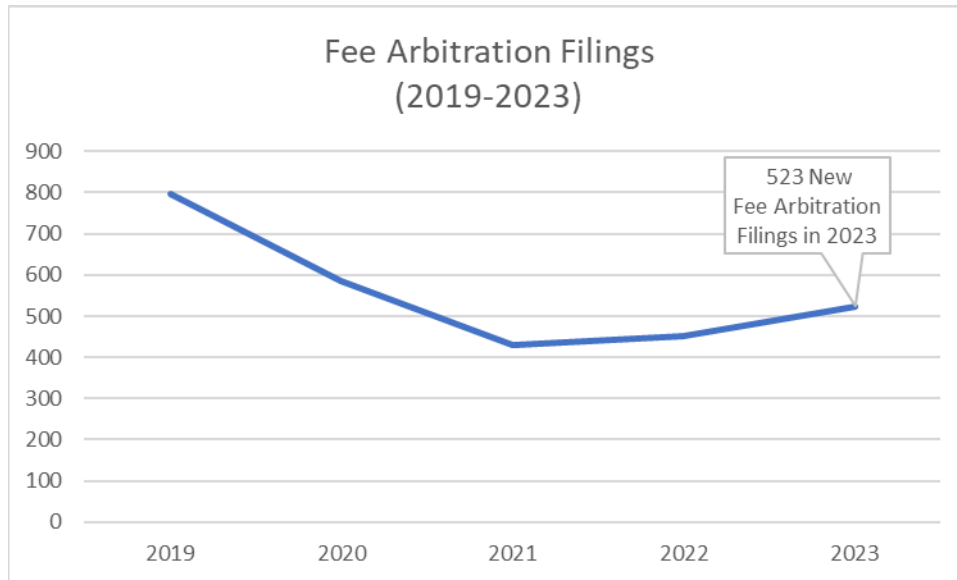


Figure 13

The number of fee arbitration filings is a very small percentage of the total attorney-client transactions.

As in 2022, DFACs arbitrated matters involving a total of more than \$5.9 million in legal fees during 2023. In addition, some cases are resolved by the attorneys themselves as of the time that the client commences the process, with no further action needed by the Committee.

Of the cases that proceeded to a hearing, DFACs conducted 273 hearings during 2023, involving almost \$5.3 million in total attorneys' fees charged. In 36.6% of the cases (108 hearings), the hearing panels upheld the attorney fees in full. In the balance of 56.4% of the fee cases (154 hearings), the hearing panels reduced the attorney fees by a total of almost \$3 million, which represents 52.8% of the total billings subject to reduction (\$2.8 million out of the total of \$5.3 million subject to reduction).

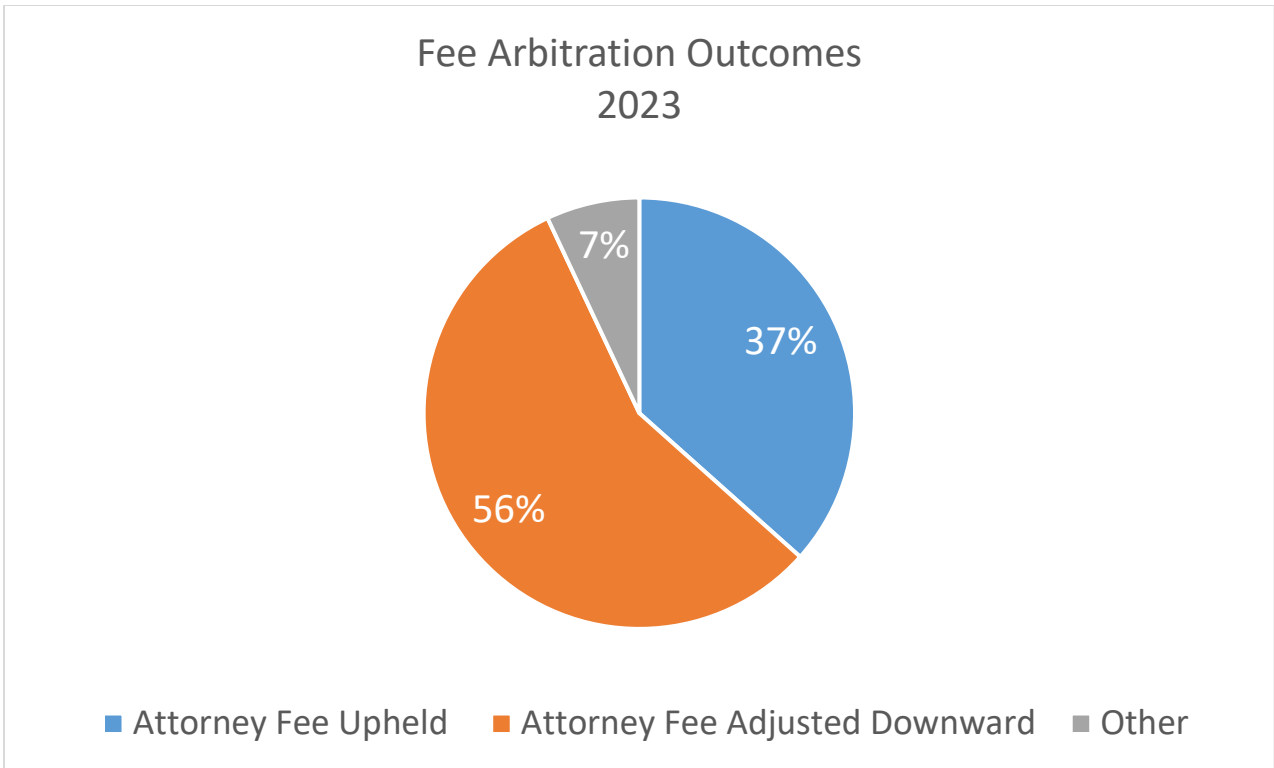


Figure 14

For an overview of the amounts at issue, the 154 cases in which the attorney fee was reduced by the hearing panel may be broken into the following categories:

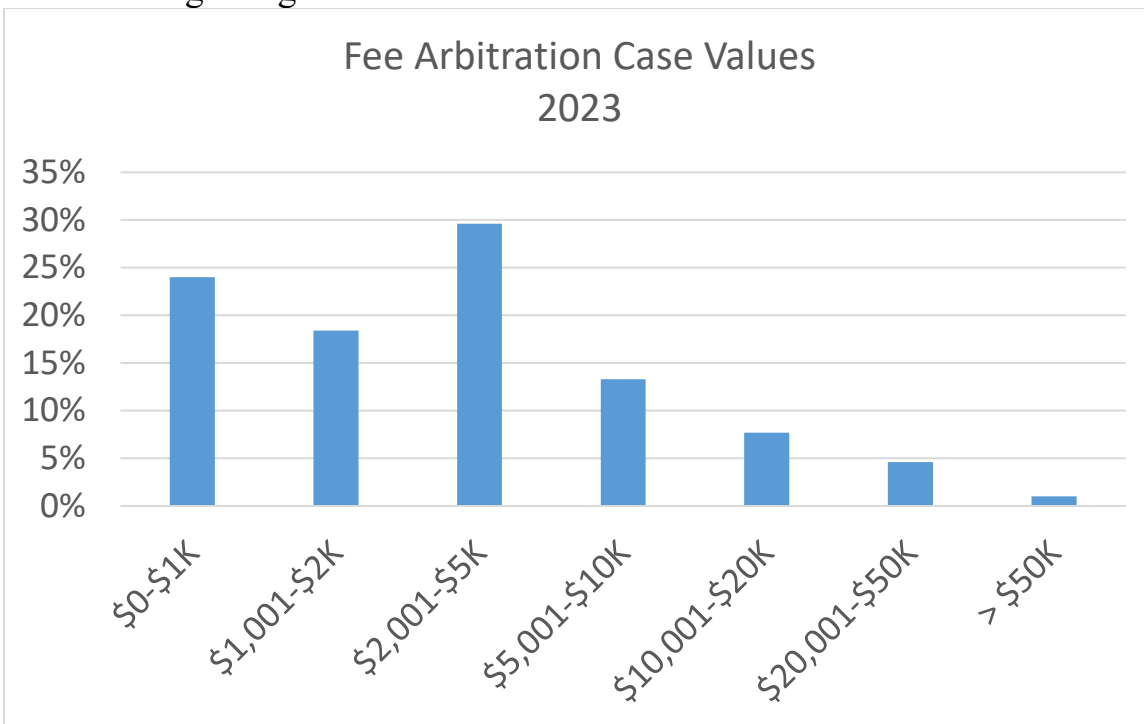


Figure 15

For all cases which proceeded to a hearing with a FAD issued by the DFAC, the average amount billed was \$19,496. The median amount billed was \$9,606. The average amount of the reductions in all cases which proceeded to a FAD was \$4,901, with a median reduction amount of \$2,500.

It should be noted that the parties reached settlement without a hearing in an additional 101 cases. The total fees at issue in the cases settled by the parties involved \$582,984 in attorney fees. The attorneys agreed to a reduction in fees without going to a hearing in 42 of those cases (41.5% of the total cases settled by stipulation).

Of the 511 cases that proceeded from file-opening to case-closing in calendar year 2023, 58% reached disposition in fewer than 180 days (298 out of 511 total cases). The DFACs resolved 54 more cases in that interval than during the preceding calendar year, when 245 cases out of a total caseload of 366 were resolved in under 180 days. The data for 2023 shows that the committees resolved 30% more cases overall than during the preceding calendar year. One hundred-fifteen (115) of the total cases resolved during 2023 were resolved within 60 days of filing. For 2022, 67 cases were resolved that quickly.

4. *Fee Arbitration Case Types*

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

Over the past five years, family actions (including matrimonial, support and custody cases) consistently have generated the most fee disputes (38.1%) on average. Criminal matters (including indictable, quasi-criminal and municipal court cases) ranked second in frequency (15.2%). Third place was filled by General Litigation at 11.1%. Estate/Probate at 6% came in fourth place, and Real Estate, at 5.2%, came in fifth place. The overall filings fit into an additional 20 legal practice areas.

5. *Enforcement*

Either party may record a FAD as a judgment under the process described in R. 4:6-7.⁷

Additionally, the OAE's Fee Arbitration Unit follows up when a client reports that he or she has not been paid by the attorney the full amount of the refund owed, as set forth by the FAD or a stipulation of settlement. This follow-up has been required in 20 to 30 cases per year, over the past five years. The OAE issues a warning letter if the attorney has not paid the full amount of the fee award within the 30-day payment period. If the attorney thereafter does not send payment in full to the client within the 10-day period specified in the warning letter, the OAE may file a motion for the temporary suspension of the attorney. Such motions are heard by the DRB, which sends any recommendation of temporary suspension to the Supreme Court.

The Supreme Court has ordered an average of nine (9) attorneys to be suspended each year, over the past five years, as a result of such motions, with the attorneys' terms of suspension continued until they submitted proof of payment in full to the clients, along with the payment of any additional monetary sanction relating to the costs of the enforcement proceedings. In 2023, the OAE filed 15 enforcement motions relating to fee arbitration cases.

C. Disability-Inactive Status

As a result of its unique responsibilities, the OAE is sometimes exposed to sensitive information concerning an attorney's inability to practice law. The Court offers attorneys the opportunity to place their license to practice law into "Disability-Inactive Status" (DIS). This status is appropriate where an attorney lacks the mental or physical capacity to practice law. R. 1:20-12.

It is important to appreciate that DIS is, by itself, non-disciplinary in nature. However, consistent with the constitutional mandate imposed upon the OAE to protect the public and maintain confidence in the bar, the OAE is

⁷ For more information on this process, see Superior Court of New Jersey, "Collecting a Money Judgment" (July 1, 2022) (viewable at: https://www.njcourts.gov/sites/default/files/forms/10282_collect_money_jdgmnt.pdf).

responsible for ensuring every attorney who holds a license to practice law possesses the physical and mental ability to do so.

An attorney may voluntarily place their license into DIS. However, unfortunately, the need for an attorney to enter into such a status is sometimes identified for the first time after a grievance has been docketed. In such cases, the OAE consents to the respondent's entry into DIS.

Still other circumstances present where an attorney is unwilling or unable to consent to transfer to DIS. In those limited circumstances, the OAE will petition the DRB for the attorney to be evaluated consistent with R. 1:20-12. If the petition is granted, the attorney will undergo an evaluation for purposes of determining whether DIS is appropriate. If so, the OAE will request the placement of the attorney on DIS.

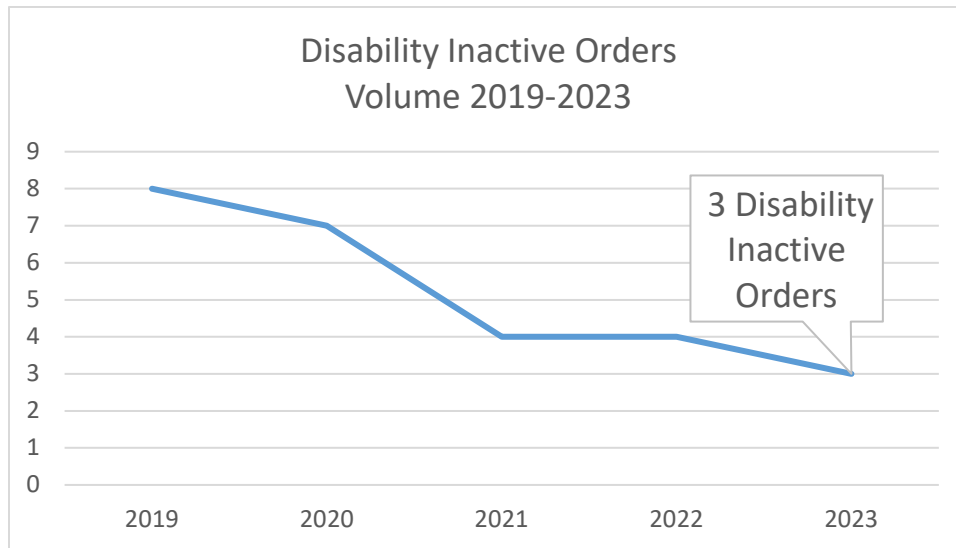


Figure 16

During 2023, a total of three (3) attorneys were the subject of a DIS Order.

DIS is not permanent. Should an attorney regain the ability to practice law, the attorney may petition to return to the practice of law. The availability of DIS received increased attention during 2023 as a result of the Court's wellness initiatives.

VI. DISCIPLINARY INVESTIGATIONS

As reviewed above, the central responsibility of the OAE and the DEC's is to determine the truth of alleged wrongs by attorneys. This is accomplished via thorough and complete investigations by professional staff and the DEC volunteer corps as supported by the OAE's DEC Unit.

A. Volume

Docketed grievances are assigned for investigation to determine whether unethical conduct may have occurred and, if so, whether there is sufficient evidence to prove the charges to the standard of clear and convincing evidence. Investigations include communicating with the respondent-attorney, the grievant, and any necessary witnesses, as well as securing necessary records and documents. Pursuant to R. 1:20-9(b), all disciplinary investigations are confidential.

At the conclusion of the investigative process, a determination is made regarding whether there is adequate proof of unethical conduct. If there is no reasonable prospect of proving unethical conduct to the requisite standard, the matter is dismissed.

Overall, the disciplinary system (OAE and DEC's) began 2023 with a total of 763 investigations carried over from prior years. During the year, 905 new investigations were added, for a total disposable caseload of 1,668. A total of 828 investigations were completed and disposed of, leaving a total of 840 pending investigations at year's end. Of that number, 142 were in untriable status, leaving an active pending investigative caseload of 698 matters.

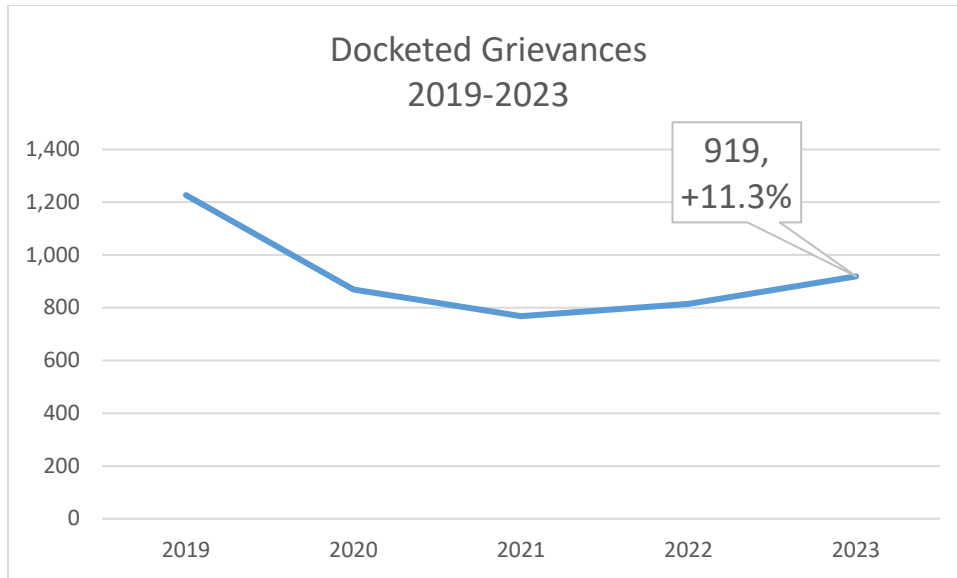


Figure 17

The number of attorneys against whom grievances are docketed for investigation is generally a very small percentage of the total lawyer population. In 2023, only 1.23% of the 74,477 active lawyers⁸ as of December 31, 2023 had grievances docketed against them. **(Figure 17)**.

⁸ Source: Lawyers' Fund for Client Protection

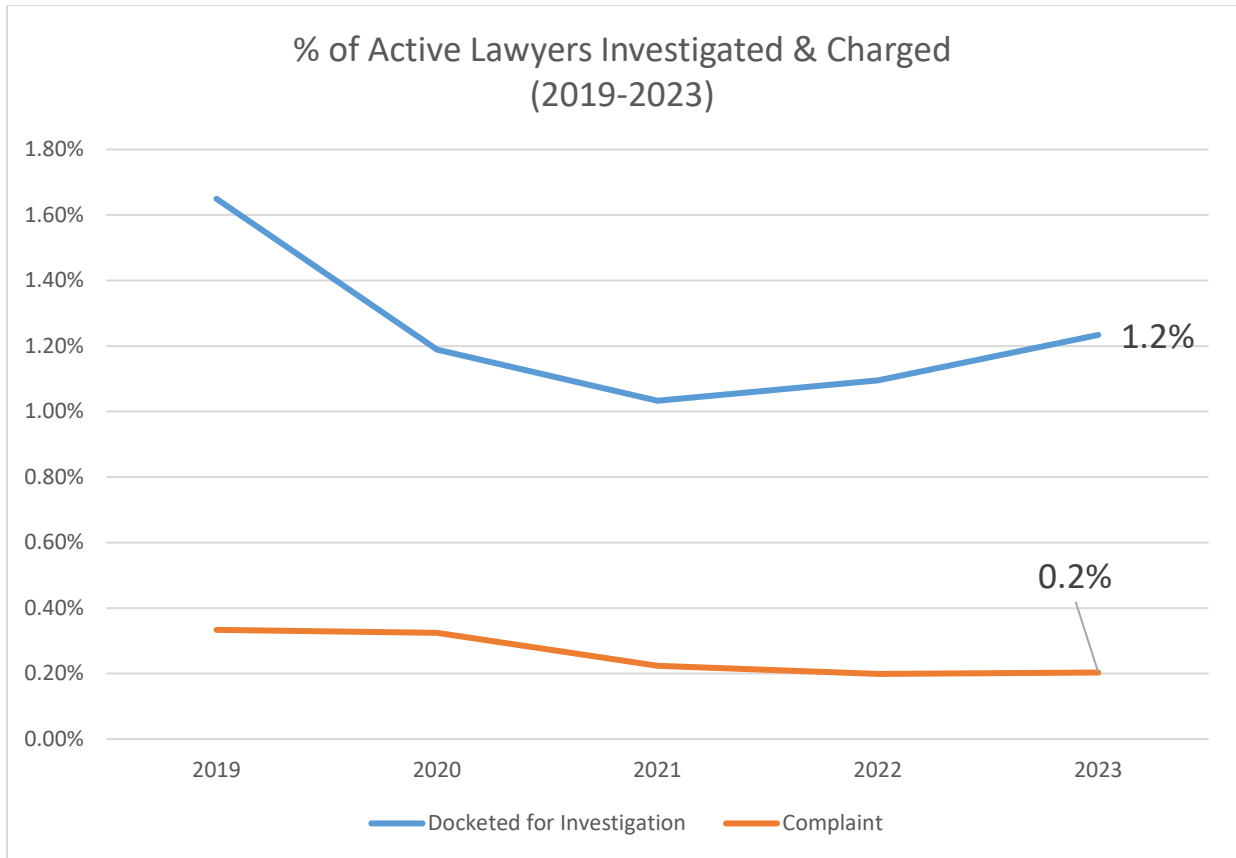


Figure 18

B. Time Goals

The New Jersey Supreme Court has established time goals for the thorough and fair completion of all disciplinary investigations and hearings. R. 1:20-8. That Rule contemplates that the disciplinary system will endeavor to complete complex investigations within nine months and standard investigations within six months. Complex cases are almost invariably assigned to the professional staff of the OAE, with standard complexity matters referred to the DEC's for evaluation.

During 2023, the OAE averaged a 65% time goal compliance rate, an 8% improvement from 2022. The District Ethics Committees average time goal compliance for the year was 49%, down 4% from 2022.

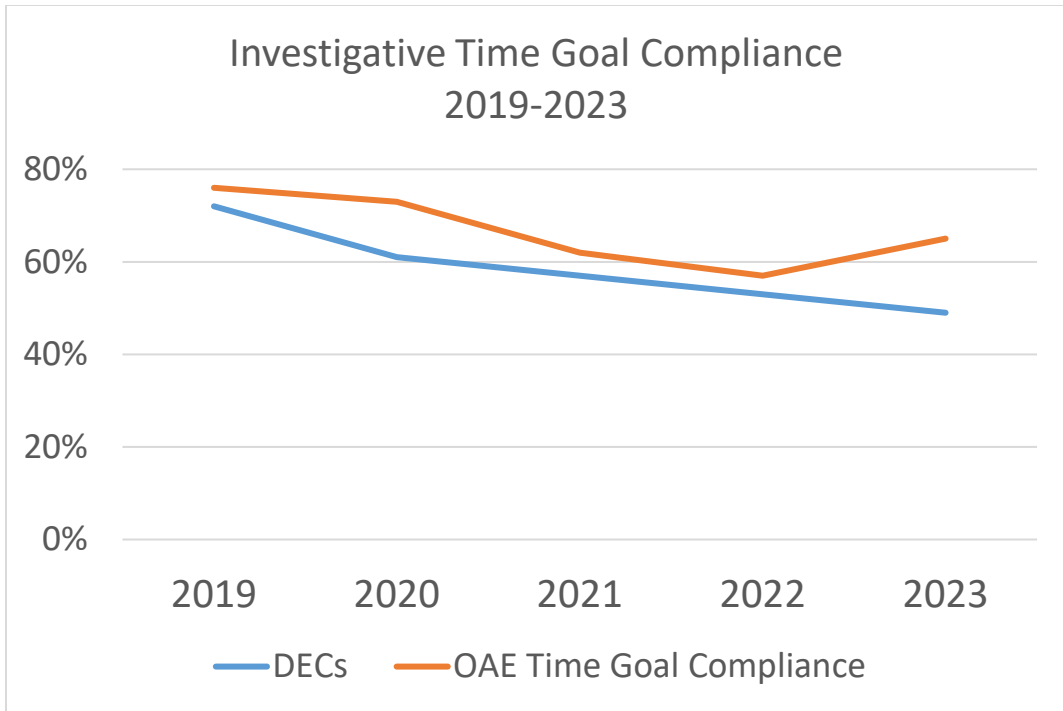


Figure 19

During 2023, the average age of the OAE’s pending investigations was 252 days. The average age of the Ethics Committees’ pending investigations was 236 days.

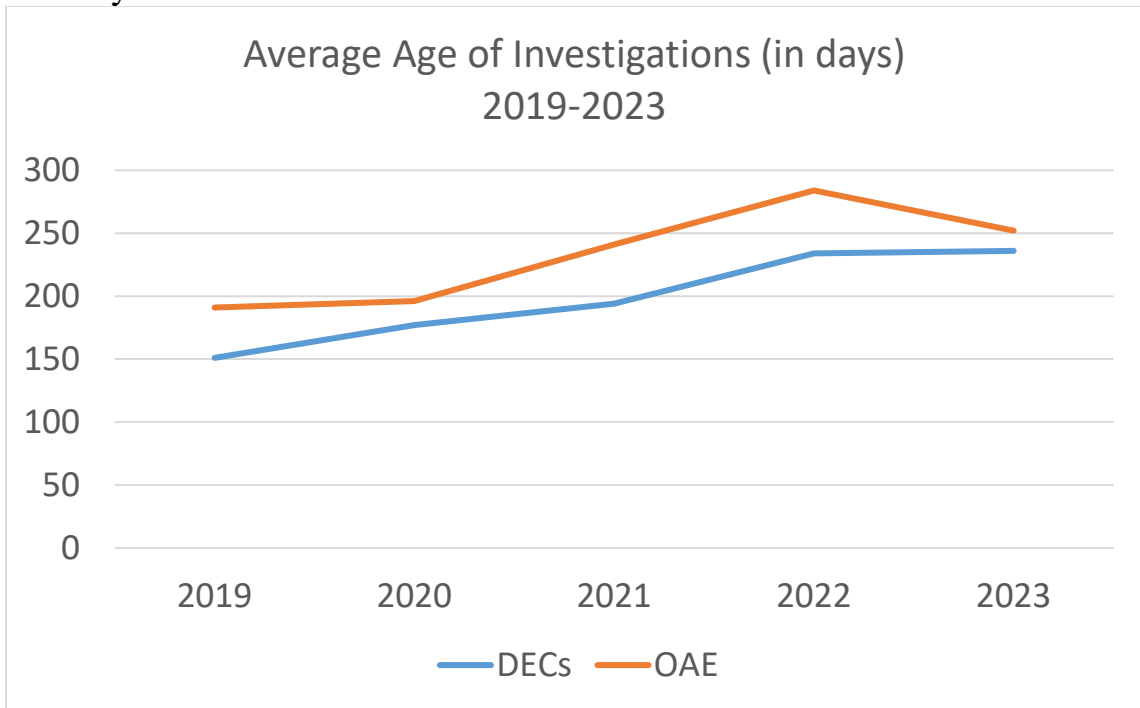


Figure 20

VII. AGREEMENTS IN LIEU OF DISCIPLINE (“DIVERSION”)

Not all misconduct substantiated to the standard of “clear and convincing evidence” results in attorney discipline.

Instead, in 1996, the Court created “diversion,” a non-disciplinary outcome available for only “minor unethical conduct.” “Minor unethical conduct” is misconduct that would likely warrant no more than an admonition (the least serious sanction) if the matter proceeded to a hearing.

In such cases, DEC’s and the OAE may use an “agreement in lieu of discipline” to direct the handling of the case out of the disciplinary system and into the diversion program. Determinations to divert matters of minor unethical conduct are made solely by the OAE Director. A grievant is given ten days’ notice to comment prior to the OAE Director’s final decision to divert the case, but a grievant cannot appeal the Director’s final diversion decision.

Diversion may take place only if the attorney acknowledges the misconduct and agrees to take remedial steps to assure future compliance with the Rules. The primary purpose of diversion is education and the productive resolution of disputes between clients and attorneys outside of the disciplinary process. It permits the disciplinary system to focus resources on the most serious cases. Diversion conditions generally do not exceed six months in duration. If successfully completed, the underlying grievance is dismissed with no record of discipline. If diversion is unsuccessful, a disciplinary complaint is filed and prosecuted.

The Court amended the diversion Rule and announced that amendment in a May 12, 2023 Notice to the Bar. As amended, the Rule requires disciplinary agency members to consider diversion in all cases involving a finding of minor unethical conduct. In addition, in appropriate circumstances, the amendment now allows individuals to enter the diversion program after the issuance of a formal disciplinary complaint. Previously, that had been prohibited.

During calendar year 2023, a total of 76 matters were approved for diversion, a 12% increase over 2022. Two of those matters were approved for diversion after a formal disciplinary complaint.

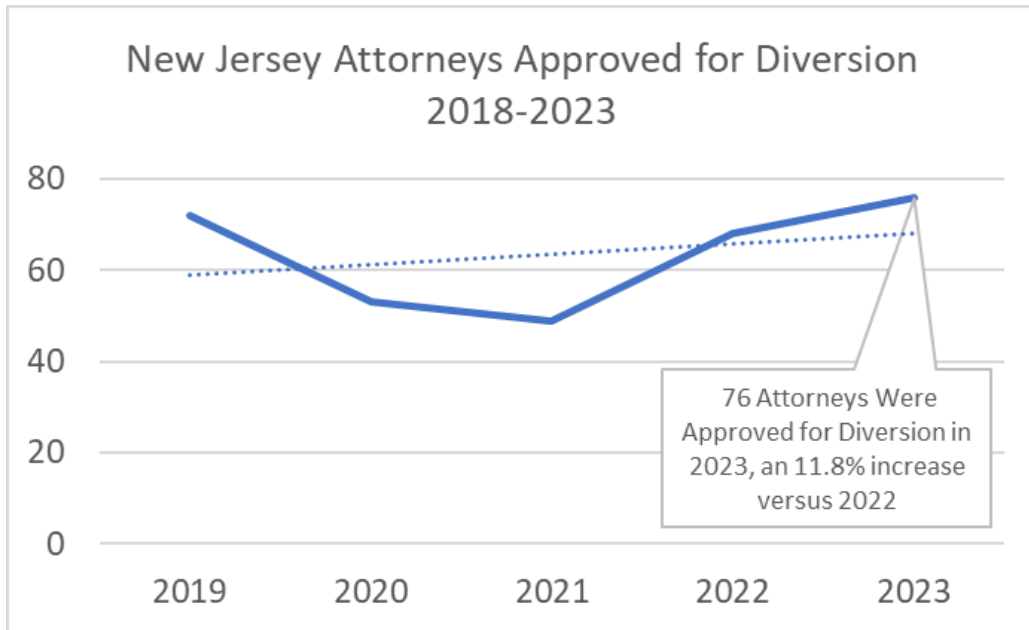


Figure 21

During 2023, New Jersey attorneys successfully completed 86 diversions.

At the end of 2023, 32 were still pending; those attorneys had been admitted into the diversion program in 2022 and prior years but had not yet completed their obligations.

The majority of individuals approved for diversion, or 72.4%, had violated attorney financial recordkeeping Rules.

The condition most commonly imposed in diversion cases required the attorney to complete the New Jersey State Bar Association's Ethics Diversionary Education Course (74). Other required conditions included: completion of a course in New Jersey Trust and Business Accounting (63) and completion of other Continuing Legal Education programs (6).

VIII. SUBSTANTIATED CASES WHICH ARE NOT MINOR

When the OAE or a DEC develops clear and convincing proof of unethical conduct which is not minor, the Rules require the filing of formal and public disciplinary charges. Most frequently, this occurs by way of complaint.

Complaints are served upon the attorney-respondent, who has 21 days in which to file a verified answer. Once a formal complaint or other charging document (such as a motion or consent) is filed, the complaint and any other document filed thereafter become public (with minor limitations) but may be subject to protective orders, as applicable.

Once the attorney files a verified conforming answer, a disciplinary hearing is scheduled and held.

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

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

All hearings are open to the public except in rare circumstances where comprehensive protective orders have been entered. During 2023, a majority disciplinary hearings proceeded virtually utilizing the Zoom platform. The OAE publishes a list of pending hearing matters that are updated monthly and made available on the OAE's website.

A. Volume of Formal Disciplinary Complaints

The disciplinary system began calendar year 2023 with a total of 245 complaints carried over from prior years. During the year, 151 new

complaints were added, for a total disposable caseload of 396. A total of 181 complaints were disposed, leaving 214 pending complaints at year's end. Of that number, 25 were in untriable status, leaving an active pending caseload of 189 complaints.

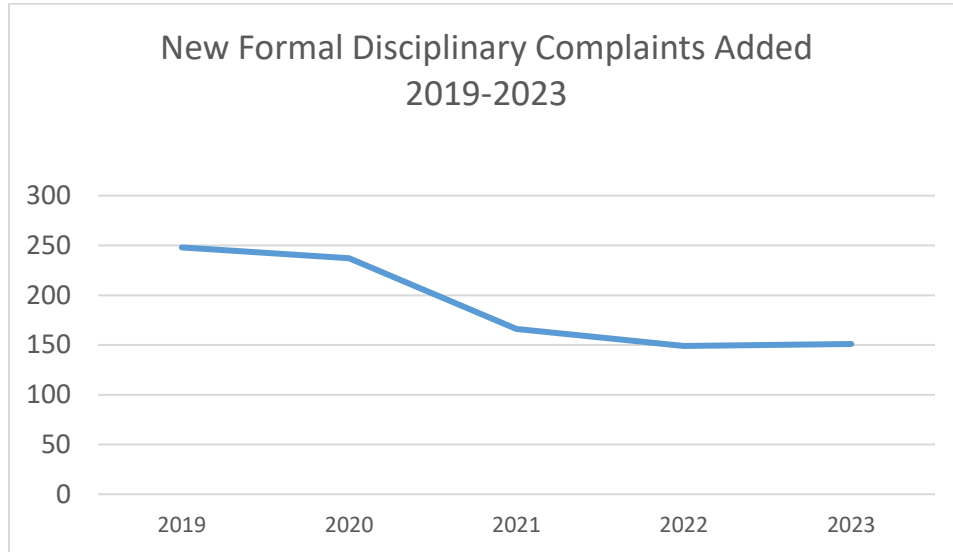


Figure 22

Evaluating that data as a percentage of the active attorney population, 0.20% of the population of active New Jersey attorneys was the subject of a disciplinary complaint in 2022, or two out of every one thousand attorneys.

B. Age of Disposed Hearings

In 2023, the average age of the OAE's disposed hearings decreased by 178 days, from 748 days in 2022 to 570 days in 2023. The average age of the disposed hearings of the DEC's decreased by 104 days, from 726 days in 2022 to 622 days in 2023.

OAE executive management attributes this decrease in disposed hearing age to having filled vacant attorney positions and adding four new positions as part of a reorganization plan approved by the Supreme Court. The DEC's likewise made a concerted effort to conduct more in-person and virtual hearings.

IX. SANCTIONS

There are two ways in which the Supreme Court may sanction an attorney. The first type of sanction is a temporary suspension imposed as a result of emergent action. The second, and more common type of sanction, is final discipline. Final discipline is imposed as described by Rule. 1:20-15A.

A. Types of Final Discipline

There were five primary forms of final disciplinary sanctions in our state during 2023.

Disbarment is the most severe form of discipline and may be imposed either by the Supreme Court after oral argument or with the respondent's consent. Since the issuance of the Court's decision in In re Wilson, 81 N.J. 451, 456 n.5 (1979), and R.1:20-15A(a)(1), disbarment in New Jersey has been, for all practical purposes, permanent. Like New Jersey, four other states impose disbarment on a permanent basis in all cases (Indiana, Ohio, Oregon, and Tennessee).⁹ Eight other jurisdictions have recognized the importance of permanency in some, but not all, disbarment cases (Arizona, Alabama, California, Connecticut, Florida, Kansas, Louisiana, and Mississippi).

On June 7, 2022, the Court issued an opinion and Order in In re Wade, 250 N.J. 581, which set the stage for revisiting permanent disbarment. Shortly after issuing the Wade disbarment order, the Supreme Court appointed a Special Committee on the Duration of Disbarment for Knowing Misappropriation chaired by former Associate Justice Virginia A. Long (retired). On July 3, 2023, that committee issued its findings in a formal report to the Court. During 2023, customary language concerning the permanency of disbarment remained in all disbarment Orders issued by the Court.

Suspension precludes an attorney from practicing law for the period it is in effect. An attorney may not resume practicing at the end of the suspension until the Supreme Court orders reinstatement. There are two types of

⁹ Effective July 1, 2020, the State of Tennessee returned to permanent disbarment. See Melissa Heelan Stanzione, "Tennessee Lawyers Can No Longer Be Reinstated After Disbarment," Bloomberg Law (January 27, 2020) (viewable at: <https://news.bloomberglaw.com/us-law-week/tennessee-lawyers-can-no-longer-be-reinstated-after-disbarment>).

suspensions. Term suspensions prevent an attorney from practicing for a specific term, usually between three months to three years. R. 1:20-15A(a)(3). Indeterminate suspensions are imposed for a minimum of five years. R. 1:20-15A(a)(2).

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

A **reprimand** is a rebuke for an attorney’s unethical conduct. R. 1:20-15A(a)(5).

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

In 2023, the Supreme Court imposed final discipline on 102 New Jersey attorneys. The 102 final disciplinary sanctions imposed included 12 disbarment Orders, of which 7 occurred by consent of respondent; 24 term suspensions; one indeterminate suspension; 23 censures; 32 reprimands; and 10 admonitions.

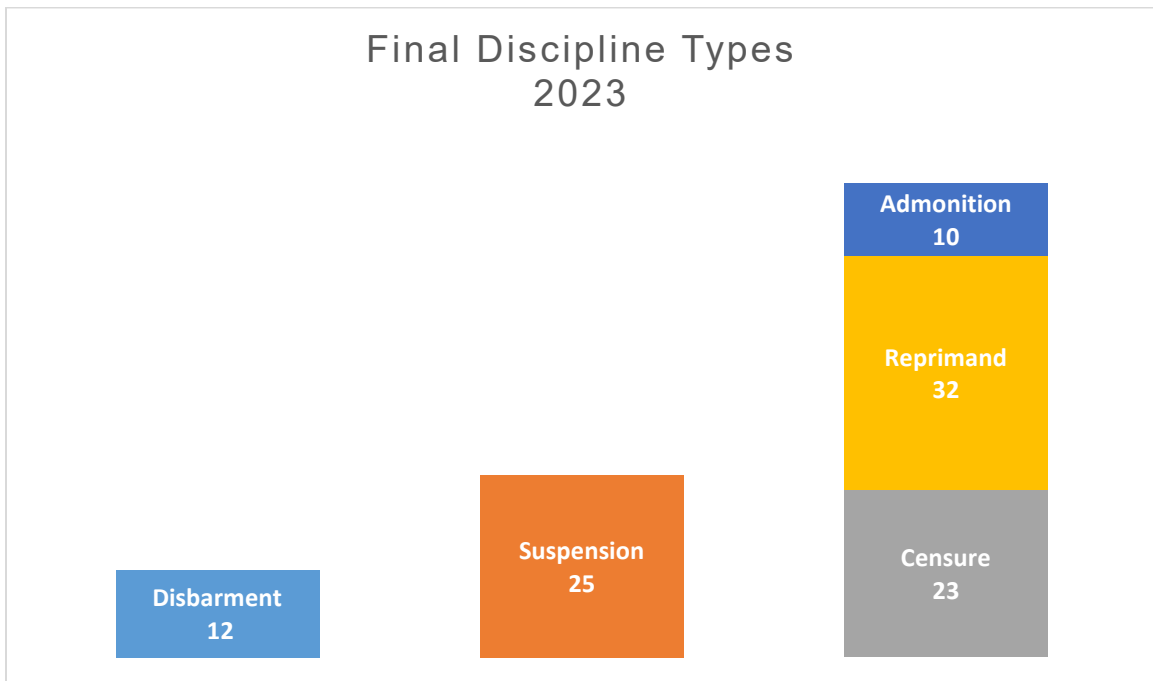


Figure 23

Comparisons of 2023 sanctions with the prior year are as follows: disbarments by Order of the Supreme Court following litigation decreased by 50% (10 in 2022 vs. 5 in 2023); disbarments by consent increased by 15.4% (6 in 2022 vs. 7 in 2023); term and indeterminate suspensions decreased by 52.8% (53 in 2022 vs. 25 in 2023); censures decreased by 14.8% (27 in 2022 vs. 23 in 2023); reprimands increased by 23.1% (26 in 2022 vs. 32 in 2023); and admonitions decreased by 37.5% (16 in 2022 vs. 10 in 2023).

B. Emergent Action

Whenever an investigation has revealed both that a serious violation of the RPCs has occurred, and that an attorney “poses a substantial threat of serious harm to an attorney, a client or the public” (R. 1:20-11), the OAE may file an application seeking the attorney’s immediate temporary suspension from practice, pending ongoing investigation. If the Supreme Court determines to grant the motion, the Court may either suspend the attorney temporarily or impose a temporary license restriction, which permits the lawyer to continue to practice, but places conditions on that privilege. Conditions may include oversight by a proctor of the attorney and/or trust account.

Over the last five years, an average of 20 lawyers were subject to emergent action.

For 2023, a total of twenty-three (23) attorneys were the subject of emergent sanctions as a result of 24 separate temporary suspension Orders. The names of attorneys emergently suspended are listed in Table 9.

In 2023, the leading reasons for emergent suspension were: the attorney’s conviction of a “serious crime” as defined in R. 1:20-13 at 37.5% (9 cases); non-cooperation with disciplinary authorities, at 41.6% (10 cases); and non-payment of fee arbitration committee awards at 16.6% (4 cases).

C. Total Disciplinary Sanctions

In total, the New Jersey Supreme Court entered 126 sanction Orders in 2023, by comparison with 151 Orders in 2022 (representing a decrease of 16.5%). The average number of sanction Orders over the past five years is 148. The

number of sanction Orders in 2023 is 14.9% lower than this five-year average.

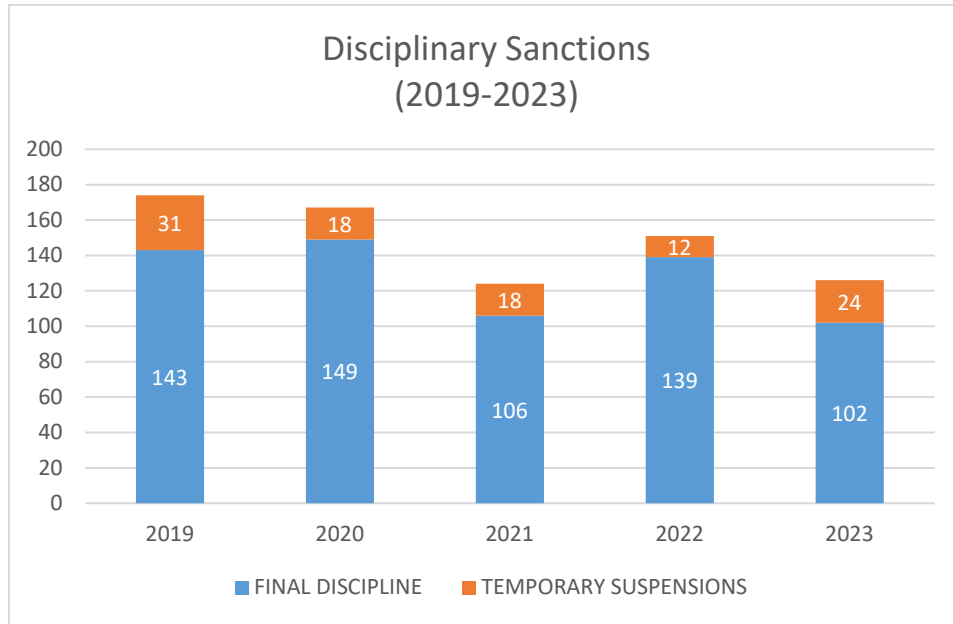


Figure 24

X. GROUNDS FOR FINAL DISCIPLINE

Over the years, the OAE consistently has studied the types of misconduct committed in final discipline cases. Many cases charge an individual respondent with a violation of more than one RPC. For the purposes of this analysis, the OAE selects the RPC with the most serious disciplinary consequence in each case.

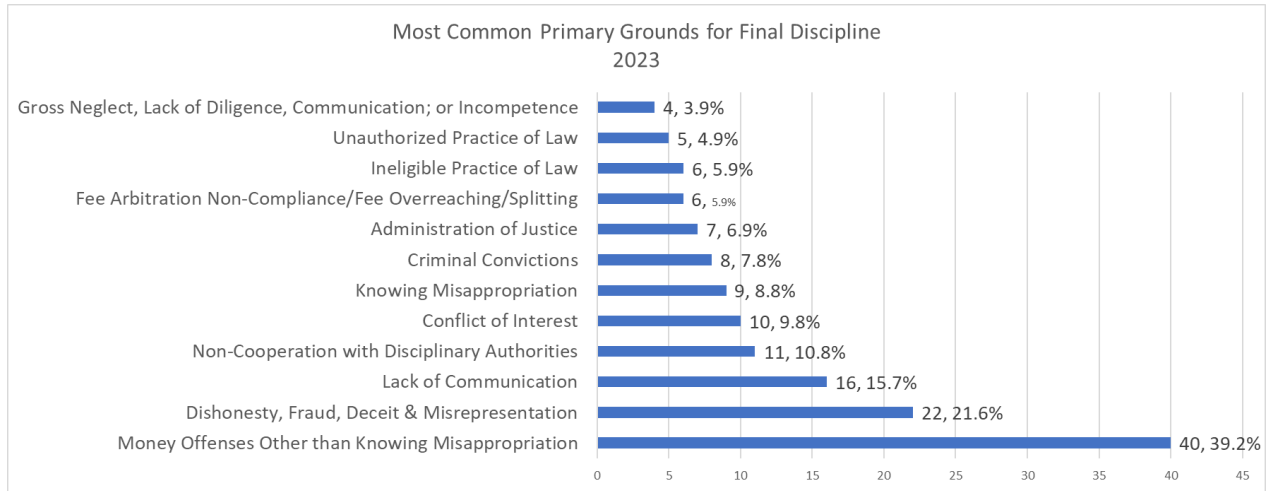


Figure 25

During 2023, 22.1% (40 of the 102 final discipline cases) of the attorneys disciplined in 2023 committed some type of money offense other than knowing misappropriation. This category includes negligent or reckless misappropriation, serious trust account recordkeeping deficiencies, and failure to safeguard funds and escrow violations.

Twenty-two (22) of the 102 attorneys disciplined in 2023 (or 12.2%) engaged in some type of dishonesty, fraud, deceit, or misrepresentation.

Sixteen (16) attorneys, or 8.8%, received public discipline for failing to communicate with their clients. RPC 1.4 requires an attorney to keep their client reasonably informed about the status of a matter and promptly comply with reasonable requests for information and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Attorneys have an ethical obligation under RPC 8.1(b) and R. 1:20-3(g)(3) to cooperate during the investigation, hearing, and processing of disciplinary matters. Some lawyers are disciplined for non-cooperation

even though the grievance originally filed against them ultimately was dismissed because there was no proof of unethical conduct. The disciplinary system could not properly function and endeavor to meet its goals for timely disposition of cases without the attorney's cooperation. Eleven attorneys were disciplined in 2023 for failure to cooperate with disciplinary authorities.

The general rule on conflicts is found in RPC 1.7, which states that a lawyer may not represent a client if the representation of one client will be directly adverse to another client, or there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person, or by a personal interest of the lawyer. In 2023, 10 attorneys of the 102 disciplined, or 5.5%, were found to have engaged in an impermissible conflict of interest.

Of the 102 final Orders of discipline, nine (9) of the attorneys disciplined in 2023, or 5%, knowingly misappropriated entrusted funds. Knowing misappropriation cases are of special importance in this state. New Jersey maintains a uniform and unchanging definition of this offense, as set forth in the landmark decision of In re Wilson, 81 N.J. 451 (1979). This violation consists of simply taking and using a client's money, knowing that it is the client's money and that the client has not authorized its use. Knowing misappropriation cases, involving client trust/escrow funds, mandate disbarment.

In 2023, eight (8) attorneys received final discipline flowing from a criminal act that reflected adversely upon their honesty, trustworthiness or fitness as a lawyer in other respects.¹⁰

RPC 8.4(d) provides that it is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice. This was the most serious act of misconduct for seven of the attorneys disciplined in 2023, or 3.9%.

Attorneys who are the subject of a DFAC determination that requires them to refund monies to their clients may be subject to discipline if they fail to comply with that determination. Fee arbitration panels may refer an

¹⁰ This number includes all cases in which RPC 8.4(b) was the most serious charge, including but not limited to Motions for Final Discipline.

attorney's conduct to the Ethics Committee if it finds the attorney engaged in overreaching in the legal fees they charged. Also, a division of fees between lawyers who are not in the same firm may be made only if: the division is in proportion to the services performed by each lawyer, or, by written agreement with the client, each lawyer assumes joint responsibility for the representation; the client is notified of the fee division; the client consents to the participation of all the lawyers involved; and the total fee is reasonable. Violation of a Rule concerning legal fees was the most severe misconduct found on the part of six (6) attorneys out of the 102 attorneys disciplined in 2023.

Lawyers who continue to engage in the practice of law after they are ordered by the Supreme Court to cease practicing are captured under the case type "Ineligible Practicing Law." Those lawyers may be ineligible because they have failed to (a) make payment of the mandatory annual attorney registration licensing fee; (b) submit updated IOLTA information; or (c) comply with CLE requirements. In 2023, 6 out of 102 attorneys disciplined, or 3.3%, fell into this category.

RPC 5.5 defines the Unauthorized Practice of Law to include not only an attorney practicing New Jersey law after their license to practice here has been revoked or suspended, but also when an attorney admitted here assists a non-lawyer in the performance of activity that constitutes the unauthorized practice of law. Two point eight percent (2.8%) (5 of 102 cases) of the attorneys disciplined in 2023 were found to have engaged in the unauthorize practice of law.

Attorneys who engage in grossly negligent conduct and who lack diligence and fail to communicate with clients are a clear danger to the public and the reputation of the bar. The category of "Neglect/Lack of Competence/Lack of Diligence" represented 2.2% (4 of 102 cases).

Summaries of each of the 102 final discipline cases can be found in the Appendix.

XI. AFTER DISCIPLINE: MONITORING & REINSTATEMENT

Finally, the OAE continues its attorney regulatory and disciplinary role after final discipline is imposed. Particularly, the OAE monitors attorneys' compliance with conditions of final discipline; can initiate civil contempt proceedings in the event an attorney fails to comply with a suspension or disbarment Order; and opines on the propriety of petitions for reinstatement to the practice of law following the suspension of an attorney's license to practice law.

A. Monitoring Conditions of Final Discipline

Rule 1:20-15A(b) describes the Supreme Court's authority to impose conditions, either as a component of a disciplinary sanction or as a condition precedent to reinstatement. Included among those conditions is the capacity of the Court to impose a proctorship, as described in R. 1:20-18.

Another typical condition is the submission of an annual or quarterly audit report covering attorney trust and business records. Sometimes random periodic drug testing at the attorney's expense is imposed. Finally, some attorneys are required to take ethics or substantive law courses. As of December 31, 2023, fifty-four (54) attorneys were subject to monitoring.

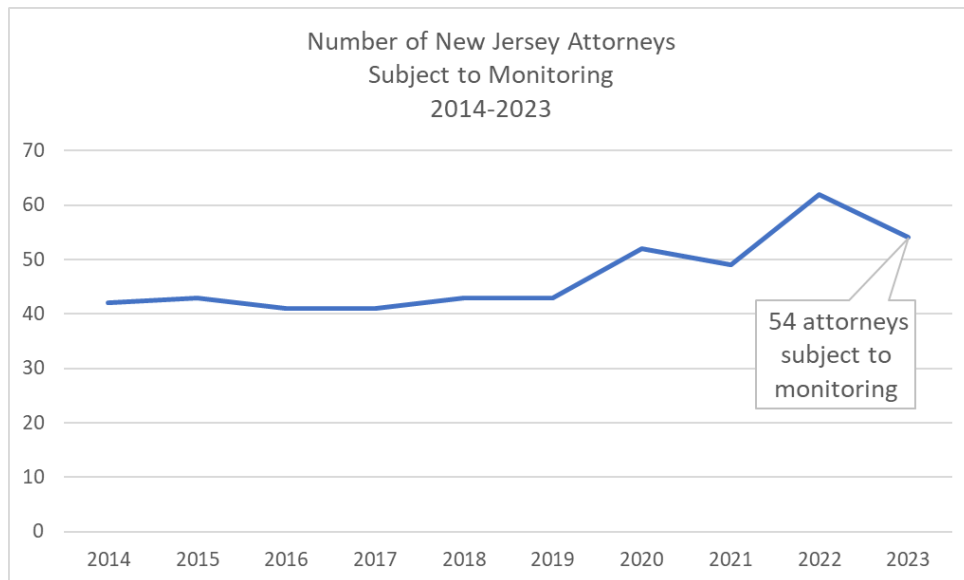


Figure 26

This represents a decrease of 12.9% in the number of attorneys subject to monitoring at the end of 2023. The OAE filed two Petitions to Compel Compliance with the Supreme Court in 2023.

B. Contempt

Prosecutions for contempt of Supreme Court Orders under R. 1:20-16(j) is another category of cases entrusted to the OAE. These actions involve the improper, continued practice of law by suspended and disbarred attorneys. The OAE is permitted by Rule to file and prosecute an action for contempt before the Assignment Judge of the vicinage where the respondent engaged in the prohibited practice of law. It also has the authority to file disciplinary complaints against offending attorneys seeking sanctions for their violations. There were no prosecutions for contempt of Supreme Court Orders in 2023.

C. Reinstatement Proceedings

A suspended attorney may not practice again until the attorney first files a petition for reinstatement, pursuant to R. 1:20-21, and the Supreme Court grants the request by Order. The application is reviewed by the OAE, the DRB, and the Court. There is no procedure for a disbarred attorney to apply for reinstatement (sometimes called readmission) because disbarment is permanent. In re Wilson, 81 N.J. 451, 456 n.5 (1979), and R. 1:20-15A(a)(1). Where the attorney is suspended for more than six months, a reinstatement petition may not be made until after expiration of the period provided in the suspension Order. R. 1:20-21(a). Where the suspension is for six months or less, the attorney may file a petition and publish the required public notice 40 days prior to the expiration of the suspension period. R. 1:20-21(b).

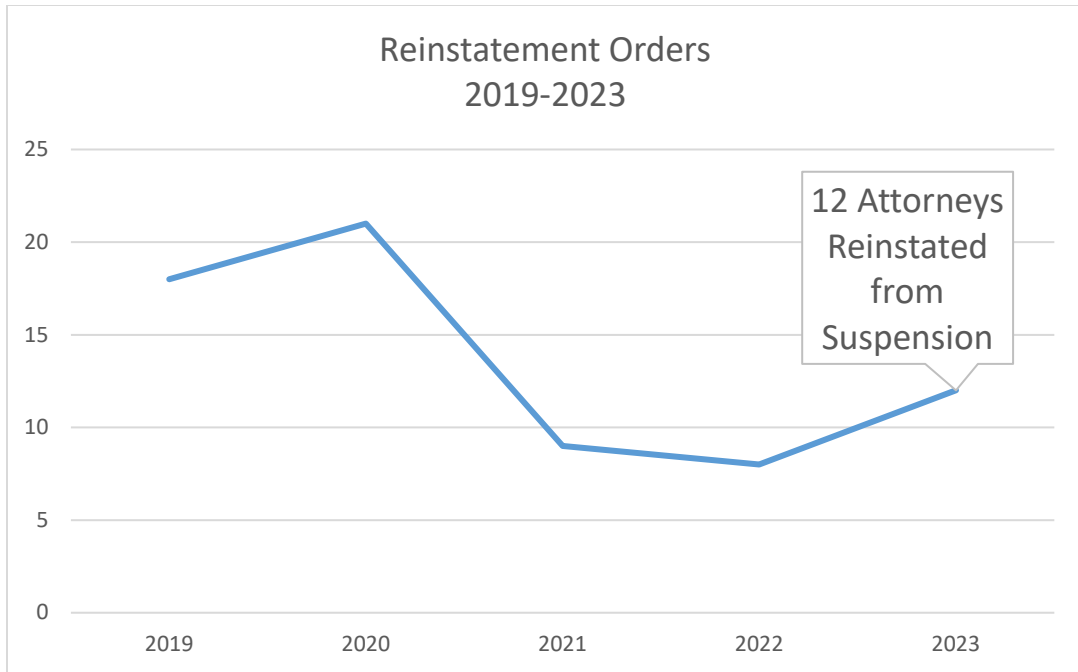


Figure 27

The Supreme Court reinstated twelve (12) suspended attorneys in 2023.

Table 1

District Ethics Committee Officers as of September 1, 2023		
CHAIR	VICE CHAIR	SECRETARY
District I - Atlantic, Cape May, Cumberland and Salem Counties		
Stephanie Albrecht-Pedrick, Esq.	Scott D. Sherwood, Esq.	Dorothy F. McCrosson, Esq.
District IIA – Bergen – North		
Jason David Roth, Esq.	Kathleen Ann Hart, Esq.	Kevin P. Kelly, Esq.
District IIB - Bergen County – South		
Michelle J. Marose, Esq.	Natalia Rawan Angeli, Esq.	William Tellado, Esq.
District IIIA - Ocean County		
Lauren Murray Dooley, Esq.	Kathleen C. Moriarty, Esq.	Steven Secare, Esq.
District IIIB - Burlington County		
Jeffrey P. Resnick, Esq.	Megan Knowlton Balne, Esq.	John M. Hanamirian, Esq.
District IV - Camden and Gloucester Counties		
Thomas McKay, III, Esq.	Anne T. Picker, Esq.	John M. Palm, Esq.
District VA - Essex County – Newark		
Dale Edward Barney, Esq.	John Charles Garde, Esq.	Natalie S. Watson, Esq.
District VB - Essex County - Suburban Essex		
Joseph A. Fischetti, Esq.	Jason R. Halpin, Esq.	Paula I. Getty, Esq.
District VC - Essex County - West Essex		
Mark H. Friedman, Esq.	Mark S. Heinzelmann, Esq.	Paula I. Getty, Esq.
District VI - Hudson County		
Stephanie L. Lomurro, Esq.	Rachael Ann Mongiello, Esq.	Daniel P. D’Alessandro, Esq.
District VII - Mercer County		
Joseph C. Bevis, III, Esq.	Graig P. Corveleyn, Esq.	John J. Zefutie, Esq.
District VIII - Middlesex County		
Leslie A. Koch, Esq.	Rahool Patel, Esq.	Barry J. Muller, Esq.
District IX - Monmouth County		
Justin M. English, Esq.	Joseph A. Petrillo, Esq.	Mark B. Watson, Esq.
District XA – East Morris and Sussex Counties		
Catherine Romania, Esq.	Risa D. Rich, Esq.	Caroline Record, Esq.
District XB – West Morris and Sussex Counties		
William D. Sanders, Esq.	Steven R. Rowland, Esq.	Caroline Record, Esq.
District XI - Passaic County		
Maria A. Giammona, Esq.	Karen Brown, Esq.	Michael Pasquale, Esq.
District XII - Union County		
Joseph H. Tringali, Esq.	Jonathan Holtz, Esq.	Michael F. Brandman, Esq.
District XIII - Hunterdon, Somerset and Warren Counties		
Rita Ann M. Aquilio, Esq.	Sarah Mahony Eaton, Esq.	Donna P. Legband, Esq.

Table 2

District Fee Arbitration Committee Officers as of September 1, 2023		
CHAIR	VICE CHAIR	SECRETARY
District I – Atlantic Cape May, Cumberland and Salem Counties		
James F. Crawford, Esq.	Rebecca J. Bertram, Esq.	Michael A. Pirolli, Esq.
District IIA – North Bergen County		
Tamer M. Abdou, Esq.	Gloria K. Oh, Esq.	Terrence J. Corrison, Esq.
District IIB – South Bergen County		
Ashley Tate Cooper, Esq.	Kali A. Trahanas, Esq.	Michael J. Sprague, Esq.
District IIIA – Ocean County		
William J. Rumpel, Esq.	Jennifer D. Armstrong, Esq.	Lisa E. Halpern, Esq.
District IIIB – Burlington County		
Domenic Bruno Sanginiti, Jr., Esq.	John S. Rigden, III, Esq.	Albert M. Afonso, Esq.
District IV – Camden and Gloucester Counties		
Salvatore J. Siciliano, Esq.	Jennie Anne Owens, Esq.	Marian I. Kelly, Esq.
District VA – Essex County – Newark		
David J. Reilly, Esq.	John R. Stoelker, Esq.	Michael J. Dee, Esq.
District VB – Essex County – Suburban Essex		
Alan N. Walter, Esq.	Patrick J. Dwyer, Esq.	Harvey S. Grossman, Esq.
District VC Essex County – West Essex		
Rufino Fernandez, Jr., Esq.	Amy E. Robinson, Esq.	Cheryl H. Burstein, Esq.
District VI – Hudson County		
John V. Salierno, Esq.	Mollie Hartman Lustig, Esq.	Marvin R. Walden, Jr., Esq.
District VII – Mercer County		
Dominique Carroll, Esq.	Rachel S. Cotrino, Esq.	Rebecca Colon, Esq.
District VIII – Middlesex County		
Waimatha Lois Kahagi, Esq.	Anthony M. Campisano, Esq.	Steven Nudelman, Esq.
District IX – Monmouth County		
Roger J. Foss, Esq.	James D. Carton, IV, Esq.	Robert J. Saxton, Esq.
District X – Morris and Sussex Counties		
Linda A. Mainenti Walsh, Esq.	Alyssa M. Clemente, Esq.	Patricia J. Cistaro, Esq.
District XI – Passaic County		
Candice Drisgula, Esq.	Jason Tuchman, Esq.	Jane E. Salomon, Esq.
District XII – Union County		
Leonard V. Jones, Esq.	Mitchell H. Portnoi, Esq.	Carol A. Jeney, Esq.
District XIII – Hunterdon, Somerset and Warren Counties		
John D. Macce, Esq.	Michael J. Wilkos, Esq.	Olivier J. Kirmser, Esq.

Table 3

Disciplinary Oversight Committee
as of September 1, 2023

Chair Matthew P. O'Malley, Esq.

Vice-Chair R. James Kravitz, Esq.

Members

Ms. Judith E. Burgis

Clifford Dawkins, Esq.

Mr. Barry Davidson

Jeralyn Lawrence, Esq.¹¹

Mr. Luis J. Martinez

Ms. Nora Poliakoff

Hon. Nesle A. Rodriguez, P.J.F.P.

Mr. Thomas J. Reck

Ronald J. Uzdavinis, Esq.

¹¹ Appointed as the New Jersey State Bar Association liaison to the DOC for a one-year term effective January 1, 2023 through February 29, 2024.

Table 4

YEAR ADMITTED		
Year	Number	Percent
<1950	28	0.0%
1951-1955	102	0.1%
1956-1960	282	0.3%
1961-1965	681	0.7%
1966-1970	1,652	1.6%
1971-1975	3,565	3.6%
1976-1980	4,458	4.4%
1981-1985	7,079	7.1%
1986-1990	10,467	10.4%
1991-1995	11,762	11.7%
1996-2000	10,741	10.7%
2001-2005	10,490	10.5%
2006-2010	12,406	12.4%
2011-2015	13,750	13.7%
2016-2022	12,747	12.7%
Totals	100,210	100.00%

Table 5

AGE GROUPS		
Age	Number	Percent
< 25	91	0.1%
25-29	2,792	2.8%
30-34	6,818	6.8%
35-39	12,331	12.3%
40-44	11,777	11.8%
45-49	9,995	10.0%
50-54	11,055	11.1%
55-59	11,265	11.3%
60-64	10,159	10.2%
65-69	8,467	8.5%
70-74	6,344	6.3%
75-80	4,771	4.8%
> 80	4,144	4.1%
Totals	100,009	100.00%

Table 6

ADMISSIONS IN OTHER JURISDICTIONS					
Jurisdiction	Admissions	Percent	Jurisdiction	Admissions	Percent
New York	47,194	46.71%	Indiana	126	0.12%
Pennsylvania	26,834	26.56%	Louisiana	126	0.12%
District of Col.	6,864	6.79%	South Carolina	126	0.12%
Florida	3,500	3.46%	Nevada	115	0.11%
California	2,104	2.08%	Oregon	106	0.10%
Connecticut	1,856	1.83%	Rhode Island	105	0.10%
Massachusetts	1,622	1.60%	Kentucky	93	0.09%
Maryland	1,266	1.25%	New Mexico	85	0.08%
Virginia	862	0.85%	Alabama	76	0.07%
Delaware	856	0.84%	Hawaii	77	0.07%
Texas	853	0.84%	Virgin Islands	74	0.07%
Illinois	838	0.82%	Kansas	57	0.05%
Georgia	627	0.62%	Utah	53	0.05%
Colorado	560	0.55%	Iowa	51	0.05%
Ohio	495	0.49%	Oklahoma	48	0.04%
North Carolina	433	0.42%	Nebraska	46	0.04%
Arizona	321	0.31%	Puerto Rico	39	0.03%
Michigan	296	0.29%	Arkansas	37	0.03%
Washington	261	0.25%	Alaska	34	0.03%
Minnesota	237	0.23%	Montana	33	0.03%
Missouri	235	0.23%	Mississippi	26	0.02%
Tennessee	210	0.20%	Idaho	20	0.01%
Wisconsin	172	0.17%	North Dakota	10	0.00%
West Virginia	143	0.14%	South Dakota	8	0.00%
Maine	140	0.13%	Guam	3	0.00%
New Hampshire	132	0.13%	Wyoming	0	0.00%
Vermont	127	0.12%	Invalid Responses	401	0.39%
			Total		
			Admissions	100,015	100.00%

Table 7

NEW JERSEY ADMITTED ATTORNEY LAW OFFICES BY STATE (2023)		
State	Number	Percent
New Jersey	26,538	73.1%
Pennsylvania	4,475	12.3%
New York	4,441	12.2%
Delaware	134	0.4%
Other	720	2.0%
No State Listed	11	0.03%
Total	36,367	100%

Table 8

NEW JERSEY PRACTITIONER LAW OFFICES BY COUNTY (2023)					
County	Number	Percent	County	Number	Percent
Atlantic	550	2.1%	Middlesex	1,656	6.2%
Bergen	3,507	13.2%	Monmouth	1,952	7.4%
Burlington	1,584	6.0%	Morris	3,309	12.5%
Camden	2,147	8.1%	Ocean	714	2.7%
Cape May	155	0.6%	Passaic	777	2.9%
Cumberland	129	0.5%	Salem	41	0.2%
Essex	4,291	16.2%	Somerset	926	3.5%
Gloucester	335	1.3%	Sussex	199	0.7%
Hudson	894	3.4%	Union	1,382	5.2%
Hunterdon	260	1.0%	Warren	116	0.4%
Mercer	1,558	5.9%	No County Listed	2	0.0%
			Total	26,536	100.00%

**OAE Yearly Discipline Report
(01/01/2023 - 12/31/2023)**

Table 9

Disbarment (5)				
Attorney	Admitted	Location	Decided	Effective
ALVAREZ, ESTHER MARIA [®] ⁽¹⁾	1992	UNION	05/10/2023	05/10/2023
LONG, DOUGLAS M.	1999	GLOUCESTER	10/24/2023	10/24/2023
MACELUS, EDWYN D.	2013	BERGEN	05/10/2023	05/10/2023
MANGANELLO, CHRISTOPHER MICHAEL	1998	GLOUCESTER	10/13/2023	10/13/2023
RASMUSSEN, MATTHEW D. [®]	2012	MONMOUTH	06/07/2023	06/20/2023

Disbarment by Consent (7)				
Attorney	Admitted	Location	Decided	Effective
COOPER, JON CHARLES	1994	DISTRICT OF COLUMBIA	08/31/2023	08/31/2023
LEE, MISHA [§]	2001	BERGEN	12/04/2023	12/04/2023
LISA, JAMES R.	1984	HUDSON	10/02/2023	10/02/2023
LONG, DOUGLAS M.	1999	GLOUCESTER	10/24/2023	10/24/2023
SHUTICK, DAVID T.	1984	PENNSYLVANIA	11/28/2023	11/28/2023
SIMOES, FAUSTO J.	1979	ESSEX	09/15/2023	09/15/2023
SIMONSON, THERESA M. [®]	1993	OCEAN	03/30/2023	03/30/2023

Suspension - Term (24)					
Attorney	Term	Admitted	Location	Decided	Effective
ANDERSON, ANGELIQUE LAYTON	12 mo.	1989	COLORADO	09/22/2023	09/22/2023
BRUNSON, NEAL E.	3 mo.	1988	BERGEN	03/21/2023	03/21/2023
CHIRNOMAS, MORTON	6 mo.	1990	MORRIS	05/13/2023	06/12/2023
COLEMAN, KENDALL	3 mo.	2000	PASSAIC	05/16/2023	06/19/2023
DIXON, DANIEL M.	12 mo.	2006	PENNSYLVANIA	11/03/2023	12/01/2023
GENDEL, MARCY E.	12 mo.	1977	ESSEX	11/08/2023	12/08/2023
GONZALEZ, NELSON	6 mo.	1997	MORRIS	03/15/2023	04/11/2023
HEDIGER, DANIEL DAVID	3 mo.	1995	BERGEN	05/10/2023	06/12/2023
HILDEBRAND, STEPHEN PAUL	6 mo.	2015	PENNSYLVANIA	06/30/2023	07/27/2023

[®] The “[®]” symbol indicates that this discipline resulted from an investigation which was docketed following a referral from the Random Audit Program.

[§] The “[§]” symbol indicates that this discipline resulted from an investigation which was docketed in response to a Trust Account Overdraft Notification.

**OAE Yearly Discipline Report
(01/01/2023 - 12/31/2023)**

ISA, ULYSSES	3 mo.	2006	HUDSON	05/16/2023	06/12/2023
LEITE, ROBERT CAPTAIN	12 mo.	2012	PENNSYLVANIA	06/20/2023	07/17/2023
LYNCH, WILLIAM H. JR.	18 mo.	1987	PENNSYLVANIA	02/09/2023	02/09/2023
MAVROUDIS, JOHN M.	12 mo.	1974	BERGEN	06/05/2023	07/03/2023
McILWAIN, TIMOTHY JOSEPH	1 mo.	1996	ATLANTIC	07/20/2023	08/18/2023
MLADENOVICH, MILENA	12 mo.	2010	DELAWARE	06/20/2023	07/17/2023
PINKAS, EDAN E.	6 mo.	2005	NEW YORK	03/15/2023	04/10/2023
PLAGMANN, ROBERT ARTHUR	12 mo.	2006	VIRGINIA	06/20/2023	07/17/2023
ROWEK, MICHAEL A.	24 mo.	1987	PASSAIC	02/09/2023	03/03/2023
SAUNDERS, DARRYL M.	6 mo.	1990	MERCER	05/16/2023	06/19/2023
SCHLACHTER, DAVID M.	3 mo.	2006	PASSAIC	06/30/2023	07/27/2023
STACK, ROBERT JAMES	24 mo.	1996	MORRIS	09/12/2023	10/06/2023
TORONTO, PHILIP V. ^{\$¹²}	6 mo.	1982	BERGEN	06/30/2023	07/27/2023
WALDMAN, DAVID R.	36 mo.	2005	NEW YORK	02/09/2023	02/09/2023
WILLIAMS, BRIAN D.	6 mo.	2009	FLORIDA	10/06/2023	10/06/2023

Indeterminate Suspension (1)				
Attorney	Admitted	Location	Decided	Effective
SPARK, ANDREW B.	1993	PASSAIC	05/10/2023	06/08/2023

Censure (23)				
Attorney	Admitted	Location	Decided	Effective
ABRAMS, WALTER K. [®]	1975	MIDDLESEX	07/11/2023	07/11/2023
ARTUSA, SANTO V. JR.	2009	HUDSON	09/13/2023	09/13/2023
DOYLE, JOHN THOMAS ^{\$}	1997	ESSEX	06/30/2023	06/30/2023
FIOCCA, VIRGINIA T.	1976	ESSEX	06/02/2023	06/02/2023
GRAY, DAVID E.	2003	MORRIS	11/03/2023	11/03/2023
HARTMAN, FRANCES ANN	1984	BURLINGTON	05/10/2023	05/10/2023
HOM, TONY CHUNG-MIN	1997	NEW YORK	09/13/2023	09/13/2023
HOWES, WILLIAM TIMOTHY ^{\$}	1989	SOMERSET	06/30/2023	06/30/2023
HUFF, WARDELL	2005	VIRGINIA	06/05/2023	06/05/2023
JANDER, MARK BAE	2016	MONMOUTH	01/19/2023	01/19/2023
KASSEM, NABIL NADIM	1994	PASSAIC	06/20/2023	06/20/2023

[®] The “®” symbol indicates that this discipline resulted from an investigation which was docketed following a referral from the Random Audit Program.

^{\$} The “\$” symbol indicates that this discipline resulted from an investigation which was docketed in response to a Trust Account Overdraft Notification.

**OAE Yearly Discipline Report
(01/01/2023 - 12/31/2023)**

LISA, JAMES R.	1984	HUDSON	06/20/2023	06/20/2023
MUNDAY, WILLIAM P.	1980	MORRIS	12/08/2023	12/08/2023
NUSSEY, DAVID RYAN	1999	CAMDEN	01/31/2023	01/31/2023
PAPPAS, GEORGE N.	1967	HUDSON	01/31/2023	01/31/2023
ROSELLINI, KENNETH JAMES	1998	PASSAIC	05/16/2023	05/16/2023
SCHEFERS, STEVEN H.	1988	PASSAIC	06/30/2023	06/30/2023
SCHWARTZ, LAWRENCE S.	1965	MORRIS	12/08/2023	12/08/2023
SCOTT, JUSTIN L.	2014	CAMDEN	05/31/2023	05/31/2023
SMITH, STEPHEN E. ®	1980	OCEAN	05/09/2023	05/09/2023
THOMPSON, RONALD B.	1990	CAMDEN	03/23/2023	03/23/2023
TRELLA, MATTHEW J.	1970	PASSAIC	05/31/2023	05/31/2023
VAZQUEZ, JOSUE	2001	ESSEX	05/10/2023	05/10/2023

Reprimand (32)				
Attorney	Admitted	Location	Decided	Effective
ASTERITA, JOSEPH JOHN	1999	MONMOUTH	05/31/2023	05/31/2023
BENEDETTO, CONRAD J.	1983	PENNSYLVANIA	03/24/2023	03/24/2023
BRUNSON, NEAL E.	1988	BERGEN	03/21/2023	03/21/2023
CAPRIGLIONE, SCOTT JOSEPH §	1988	MERCER	09/13/2023	09/13/2023
CARROLL, ANDREW MICHAEL §	2004	ATLANTIC	03/14/2023	03/14/2023
CERRUTI, PAMELA MARTHA	1988	ESSEX	06/05/2023	06/05/2023
COOPER, CHERYL L.	1995	GLOUCESTER	05/10/2023	05/10/2023
COTTEE, STUART THOMAS	1999	PENNSYLVANIA	10/24/2023	10/24/2023
CROOK, DAVID WAYNE ®	1983	BERGEN	09/13/2023	09/13/2023
FELONEY, JOHN ANTHONY IV	2016	HUDSON	09/13/2023	09/13/2023
FRITZ, CHRISTOPHER RAYMOND	1998	SOMERSET	03/30/2023	03/30/2023
HEINE, I.M.	1968	BURLINGTON	06/30/2023	06/30/2023
HENNING, WILLIAM FREDERICK ®	1993	ESSEX	12/19/2023	12/19/2023
JOHNSON, ADRIAN JA WAUN	2012	MIDDLESEX	12/19/2023	12/19/2023
JOHNSON, DAVID L.	1975	SUSSEX	11/01/2023	11/01/2023
JONES, STEPHEN ROBERT §	2006	FLORIDA	11/17/2023	11/17/2023
JOZWIAK, STEVEN JAY	1983	CAMDEN	11/17/2023	11/17/2023
KASSEM, NABIL NADIM	1994	PASSAIC	06/22/2023	06/22/2023

® The “®” symbol indicates that this discipline resulted from an investigation which was docketed following a referral from the Random Audit Program.

§ The “§” symbol indicates that this discipline resulted from an investigation which was docketed in response to a Trust Account Overdraft Notification.

**OAE Yearly Discipline Report
(01/01/2023 - 12/31/2023)**

McHUGH, DONALD M.	1973	MORRISTOWN	01/20/2023	01/20/2023
MIRANDA, BRIAN M.	2015	UNION	09/13/2023	09/13/2023
PAPPAS, GEORGE N.	1967	HUDSON	01/31/2023	01/31/2023
POLCARI, MERYL M. ®	1986	MIDDLESEX	10/24/2023	10/24/2023
ROBINSON, RICHARD DONNELL	2004	BURLINGTON	03/23/2023	03/23/2023
SCHLACHTER, DAVID M.	2006	PASSAIC	06/30/2023	06/30/2023
SEGOTI, JAMI	1993	MERCER	01/30/2023	01/30/2023
SMITH, DARRYL GEORGE	1997	BERGEN	04/13/2023	04/13/2023
WALKOW, ALAN N.	2012	MONMOUTH	03/14/2023	03/14/2023
WALKOW, ALAN N.	2012	MONMOUTH	12/06/2023	12/06/2023
WEINER, EVAN D. ®	2012	NEW YORK	09/13/2023	09/13/2023
WITHERSPOON, WILLIAM M.	1988	OCEAN	04/13/2023	04/13/2023
WITTENBERG, MICHAEL S.	1985	HUDSON	03/15/2023	03/15/2023
WRIGHT, DOROTHY	1976	SOMERSET	06/05/2023	06/05/2023

Admonition (10)				
Attorney	Admitted	Location	Decided	Effective
ARZADI, KARIM K.	1987	MIDDLESEX	10/26/2023	10/26/2023
BARNWELL, SARAH RUTH	2008	PENNSYLVANIA	01/31/2023	01/31/2023
HEIMERL, WOLFGANG	1997	SOMERSET	07/12/2023	07/12/2023
HOVATTER, EDWARD JOSEPH	1991	CAPE MAY	09/22/2023	09/22/2023
MACRI, VINCENT N.	1973	MORRIS	01/20/2023	01/20/2023
MADIN, KHALED	2012	MORRIS	05/26/2023	05/26/2023
MAVROUDIS, JOHN M. §	1974	BERGEN	12/19/2023	12/19/2023
McDONNELL, MICHAEL MARTIN	1995	UNION	10/24/2023	10/24/2023
STARKEY, KEVIN N.	1990	OCEAN	09/22/2023	09/22/2023
YOUNG, HAYES R.	1984	HUDSON	11/22/2023	11/22/2023

Temporary Suspension (24)						
Attorney	Admit.	Location	Basis	Docket	Decided	Effective
ARTUSA, SANTO V. JR.	2009	HUDSON	FEE	XIV-2023-0109E	08/21/2023	08/21/2023
ARTUSA, SANTO V. JR.	2009	HUDSON	FEE	XIV-2023-0257E	10/16/2023	10/16/2023

® The “®” symbol indicates that this discipline resulted from an investigation which was docketed following a referral from the Random Audit Program.

§ The “§” symbol indicates that this discipline resulted from an investigation which was docketed in response to a Trust Account Overdraft Notification.

**OAE Yearly Discipline Report
(01/01/2023 - 12/31/2023)**

BENEDETTO, CONRAD J.	1983	PENNSYLVANIA	ATS	XIV-2021-0376E	02/01/2023	02/01/2023
BROWNDORF, MATTHEW CHARLES	1995	NEW YORK	ATS	XIV-2023-0305E	11/15/2023	11/15/2023
CAMPBELL, JOSEPH V. JR.	2014	ESSEX	ATS	XIV-2022-0332E	5/31/2023	05/31/2023
CEHELKY, KATHLEEN MARIE	1989	MIDDLESEX	NC	XIV-2021-0310E	11/03/2023	11/03/2023
COOPER, JON CHARLES	1994	DISTRICT OF COLUMBIA	ATS	XIV-2022-0248E	01/20/2023	01/20/2023
DAY, DWIGHT HUGH	2004	ESSEX	NC	XIV-2023-0040E	10/24/2023	10/24/2023
DIAMOND, SCOTT ERIC	1985	PENNSYLVANIA	ATS	XIV-2020-0315E	01/12/2023	01/12/2023
FALKEN, DENA JEAN	1995	MEXICO	NC	XIV-2019-0179E	06/05/2023	06/05/2023
FISHMAN, MARTIN S.	1976	BERGEN	NC	XIV-2022-0294E	06/30/2023	06/30/2023
FRANCHIO-MINGIN, MELISSA S.	1998	BURLINGTON	NC	XIV-2021-0362E	06/30/2023	06/30/2023
GREENBLUM, JUSTIN A.	2004	NEW YORK	NC	XIV-2022-0046E	05/31/2023	05/31/2023
KASSEM, NABIL NADIM	1994	PASSAIC	NC	XIV-2022-0128E	03/13/2023	03/13/2023
LISA, JAMES R.	1984	HUDSON	ATS	XIV-2023-0011E	08/18/2023	08/18/2023
MANGANELLO, CHRISTOPHER MICHAEL	1998	GLOUCESTER	FEE	XIV-2023-0141E	07/10/2023	07/10/2023
McGUIRE, JAMES J. JR.	1974	MONMOUTH	FEE	XIV-2022-0314E	03/30/2023	03/30/2023
PARISI, BRITTANY L.	2020	MONMOUTH	NC	XIV-2022-0408E	12/08/2023	12/08/2023
REPLOGLE, DANIEL M. III	1984	CAMDEN	Other	XIV-2023-0434E	08/21/2023	08/21/2023
RODRIGUEZ, GEORGE L.	1981	SOMERSET	ATS	XIV-2021-0286E	02/02/2023	02/02/2023
ROSELLINI, KENNETH JAMES	1998	PASSAIC	NC	XIV-2023-0355E	11/16/2023	11/16/2023
SIMOES, FAUSTO J.	1979	ESSEX	ATS	XIV-2017-0595E	06/21/2023	06/21/2023
SPARK, ANDREW B.	1993	PASSAIC	ATS	XIV-2019-0425E	11/16/2023	11/16/2023
WILSON, STACEY DAWN	2008	FLORIDA	NC	XIV-2022-0133E	11/13/2023	11/13/2023

® The “®” symbol indicates that this discipline resulted from an investigation which was docketed following a referral from the Random Audit Program.

§ The “§” symbol indicates that this discipline resulted from an investigation which was docketed in response to a Trust Account Overdraft Notification.

**OAE Yearly Discipline Report
(01/01/2023 - 12/31/2023)**

- “ATS” refers to an automatic temporary suspension pursuant to R. 1:20-13(b)(1) upon conviction of a “serious crime.”
- “Fee” refers to an Order temporarily suspending an attorney’s law license until the terms of a fee arbitration stipulation or determination requiring that attorney to return funds to a client is satisfied.
- “NC” refers to an Order of temporary suspension entered pursuant to R. 1:20-3(g)(4) (danger to the public) and/or R. 1:20-11(a) (noncooperation with disciplinary authorities).

Reinstatements (12)				
Attorney	Admitted	Location	Decided	Effective
CAMPOS, CHRISTOPHER	2003	HUDSON	06/13/2023	06/13/2023
DeSANTIAGO-KEENE, GARETH DAVID	1980	BERGEN	07/21/2023	07/21/2023
GELLENE, ALFRED V.	1979	PASSAIC	03/22/2023	03/22/2023
GONZALEZ, NELSON	1997	MORRIS	12/08/2023	12/08/2023
HEDIGER, DANIEL DAVID	1995	BERGEN	09/15/2023	09/15/2023
MARZANO-LESNEVICH, MADELINE M.	1989	BERGEN	03/21/2023	03/21/2023
McILWAIN, TIMOTHY JOSEPH	1996	ATLANTIC	11/15/2023	11/15/2023
MEADEN, CHARLES E.	1982	BERGEN	09/12/2023	09/12/2023
PEPSNY, RICHARD J.	1993	MONMOUTH	01/11/2023	01/11/2023
PINKAS, EDAN E.	2005	NEW YORK	08/30/2023	08/30/2023
VACCARO, JOSEPH	1999	PENNSYLVANIA	03/28/2023	03/28/2023
WOITKOWSKI, MATTHEW WILLIAM	1996	HUNTERDON	02/27/2023	02/27/2023

® The “®” symbol indicates that this discipline resulted from an investigation which was docketed following a referral from the Random Audit Program.

§ The “§” symbol indicates that this discipline resulted from an investigation which was docketed in response to a Trust Account Overdraft Notification.

2023
Disciplinary Case Summaries

Table 10

Walter K. Abrams – Censured, on a certified record, on July 11, 2023 (___N.J.___) for violations of RPC 1.1(a) (exhibiting gross neglect), RPC 1.1(b) (exhibiting a pattern of neglect), RPC 1.3 (exhibiting a lack of diligence), RPC 1.4(b) (failing to communicate with a client), RPC 1.4(c) (failing to explain a matter to a client to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), RPC 1.15(b) (failing to promptly deliver funds to the client or a third party), RPC 1.15(d) (failing to comply with the recordkeeping requirements of Rule 1:21-6), RPC 1.16(d) (failing to protect the client’s interests upon termination of the representation), and RPC 8.1(b) (two instances – failing to cooperate with disciplinary authorities). Respondent also was ordered to submit 1) proof of a completed recordkeeping course, 2) open and maintain an attorney trust account pursuant to Rule 1:21-6(a), 3) monthly reconciliations of his attorney accounts on a quarterly basis for two years, and 4) documentary proof of the release of all unclaimed trust funds to their intended beneficiaries or to the Superior Court Trust Fund, within sixty days of the Order. HoeChin Kim represented the OAE and respondent was pro se. This matter was discovered solely as a result of the Random Audit Compliance Program.

Esther Maria Alvarez - Disbarred on May 10, 2023 (253 N.J. 558) for violating RPC 1.15(a) and the principles of In re Wilson, 81 N.J. 451 (1979) (knowing misappropriation of client funds), and In re Hollendonner, 102 N.J. 21 (1985) (knowing misappropriation of escrow funds), RPC 1.15(a) (commingling), RPC 1.15(b) (failing to promptly deliver funds to client), RPC 1.15(d) (failing to comply with recordkeeping requirements of R. 1:21-6), RPC 8.1(a) (making a false statement of material fact in a disciplinary matter), RPC 8.4(b) (engaging in a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer), and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation). Timothy J. McNamara represented the OAE and Raymond S. Londa, Esq. represented the respondent. The respondent was previously disciplined: Admonished in 2019. This matter was discovered solely as a result of the Random Audit Program.

Angelique Layton Anderson -Suspended for one year on September 22, 2023, (255 N.J. 396) based upon discipline imposed in the State of Colorado for unethical conduct that in New Jersey constitutes violations of RPC 1.4(b) (failing to communicate with the client), RPC 1.4(c) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions), RPC 1.5(b) (failing to set forth in writing the basis or rate of the legal fee), RPC 3.1 (engaging in frivolous litigation), RPC 3.4(b) (falsifying evidence), RPC 8.1(a) (making a false statement of material fact to disciplinary authorities), RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation), and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice (two instances). Corsica D. Smith represented the OAE on a motion for reciprocal discipline granted by the DRB and respondent was pro se.

Santo V. Artusa, Jr. – Censured on a certified record on September 13, 2023 (255 N.J. 355) for violating RPC 1.15(d) (failing to comply with the recordkeeping requirements of Rule 1:21-6) and RPC 8.1(b) (two instances - failing to cooperate with disciplinary authorities). Rachael Leah Weeks represented the OAE and respondent defaulted. The respondent was previously disciplined: Censured on 2021 and temporarily suspended in 2023 for failure to pay several fee arbitration awards.

Karim K. Arzadi – Admonished on October 26, 2023 (*Unreported*) for violation of RPC 1.16(a)(3) (failing to withdraw from the representation despite being discharged by the client) and RPC 1.16(d) (failing to protect a client’s interest upon termination of the representation). Jordan B. Rickards represented District VIII and Joseph J. Benedict represented respondent.

Joseph J. Asterita - Reprimanded on May 31, 2023 (254 N.J. 51) for violating RPC 1.7(a)(1) (concurrent conflict of interest), RPC 1.8(a) (improper business transaction), and RPC 1.10(a) (imputed conflict of interest). Amanda Figland represented the OAE and Charles Uliano represented the respondent in a disciplinary stipulation filed with the DRB.

Sarah Ruth Barnwell – Admonished on January 31, 2023 (___N.J.___) for violating RPC 1.1(a) (gross

2023 Disciplinary Case Summaries

neglect); RPC 1.2(a) (failure to abide by the client's decisions concerning the scope and objectives of representation); RPC 1.3 (lack of diligence); RPC 1.4(b) (failure to communicate with client); and RPC 1.16(d) (failure to refund the unearned portion of fee to client on termination of representation). Hillary Horton represented the OAE and Kim D. Ringler represented respondent.

Conrad J. Benedetto – Reprimanded on March 24, 2023 (___N.J.___) violating RPC 5.1 (b) (failure to make reasonable efforts to ensure that a lawyer over whom the lawyer has direct supervisory authority conforms to the RPCs) and RPC 5.1 (c) (1) and (2) (holding a lawyer responsible for another lawyer's violation of the RPCs if the lawyer orders or ratifies the conduct, or the lawyer has direct supervisory authority over the other lawyer and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action). Anthony J. Vignier appeared before the DRB for District VI and John McGill, III appeared on behalf of respondent. The respondent was previously disciplined: Reprimanded in 2001 and temporarily suspended in 2023.

Neal E. Brunson – Reprimanded on a certified record on March 21, 2023 (253 N.J. 327) for violating RPC 8.1(b) (failure to cooperate with disciplinary authorities) and RPC 8.4(d)(conduct prejudicial to the administration of justice). Hillary Horton represented the OAE and the respondent defaulted. The respondent was previously disciplined: Reprimanded in 1998, temporarily suspended in 2021 and suspended for three months in 2023.

Neal E. Brunson – Suspended for three months on a certified record on March 21, 2023 (253 N.J. 325) for violating RPC 1.15(d) (failure to comply with recordkeeping requirements), RPC 8.1(b) (failure to cooperate with disciplinary authorities), RPC 8.4(b) (commission of a criminal act that reflects adversely on a lawyer's honesty, trustworthiness or fitness as a lawyer in other respects), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Colleen Burden represented the OAE and respondent defaulted. The respondent was previously disciplined: Reprimanded in 1998, temporarily suspended in 2021 and reprimanded in 2023.

Scott Joseph Capriglione – Reprimanded on September 13, 2023 (255 N.J. 354) for violating RPC 1.15(a) (negligent misappropriation of client trust funds); and RPC 1.15(d) (failure to comply with the

recordkeeping requirements of Rule 1:21-6). Darrell M. Felsenstein represented the OAE and respondent was pro se. The respondent was previously disciplined: Suspended for one year in 2021. He remains suspended to date. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Andrew Michael Carroll – Reprimanded on March 14, 2023 (253 N.J. 176) for failing to comply with the recordkeeping requirements of Rule 1:21-6, in violation of RPC 1.15(d). HoeChin Kim represented the OAE and Marc D. Garfinkle represented respondent. Respondent was previously disciplined: Reprimanded in 2018 and admonished in 2020. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Pamela M. Cerruti - Reprimanded on June 5, 2023 (254 N.J. 121) for violating RPC 1.2(d) (counsel or assist a client in conduct that the lawyer knows is illegal, criminal or fraudulent), RPC 1.4(d) (failure to advise a client of the limitations on the lawyer's conduct when the client expects assistance not permitted by the RPCs), RPC 2.1 (failure to exercise independent professional judgment and render candid advice to a client), and RPC 8.4(c) (engage in conduct involving dishonesty, fraud, deceit or misrepresentation). Amanda Figland represented the OAE and Michael P. Ambrosio represented the respondent.

Morton Chirnomas – Suspended for six months on May 13, 2023 effective June 12, 2023 (254 N.J. 5) for violating RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information), RPC 1.15(a) (commingling), RPC 1.16(d) (upon termination of representation, failing to take steps to the extent reasonably practicable to protect a client's interests), RPC 8.1(b) (failing to cooperate with disciplinary authorities), and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation). Hillary Horton represented the OAE on a motion for reciprocal discipline based on respondent's exclusion from practice before the United States Patent and Trademark Office and respondent appeared pro se.

Kendal Coleman – Suspended for three months on May 30, 2023 (effective June 19, 2023), (___N.J.___) for violating RPC 5.5(a)(1) (unauthorized practice of law-failure to maintain liability insurance while practicing

2023 Disciplinary Case Summaries

as a professional corporation, as Rule 1:21-1A(a)(3) requires); and RPC 8.1(b) (failure to cooperate with disciplinary authorities). Darrell M. Felsenstein, Assistant Ethics Counsel represented the OAE and respondent was pro se. The respondent was previously disciplined: Censured in 2019; suspended for three months in 2021; and censured in 2022.

Cheryl L. Cooper - Reprimanded on May 10, 2023 (253 N.J. 565) for improperly handling a client matter and failing to cooperate with disciplinary authorities, resulting in violations of RPC 1.3 (lack of diligence), RPC 1.4(b) (failing to communicate with a client), RPC 1.16(d) (failing to protect a client's interests upon termination of representation), and RPC 8.1(b) (failing to cooperate with disciplinary authorities). A. Victoria Shilton represented the District IV Ethics Committee. Respondent was represented by Petar Kuridza, Esq. at trial and was pro se before the DRB.

Jon Charles Cooper – Disbarred by consent on August 31, 2023, (255 N.J. 266) following Respondent's guilty plea to tax evasion, contrary to 28 U.S.C. § 7201, in the United States Federal Court for the District of Columbia, and his acknowledgment that he could not successfully defend against charges that his criminal conduct was contrary to In re Goldberg, 142 N.J. 557 (1995), and disbarment the invariable result. Hillary Horton represented the OAE and James P. Manahan represented the respondent.

Stuart Thomas Cottee – Reprimanded on a certified record on October 24, 2023 (255 N.J. 439) for violating RPC 8.1(b) (failure to cooperate with disciplinary authorities) (two instances), and RPC 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE.

David W. Crook - Reprimanded on a certified record on September 13, 2023, (N.J.) for violating RPC 1.15(d) (failure to comply with recordkeeping requirements) and RPC 8.1(b) (failure to cooperate with disciplinary authorities). Colleen L. Burden appeared for the OAE and respondent was pro se. This matter was discovered solely as a result of the Random Audit Compliance Program.

Daniel M. Dixon – Suspended for one year on November 3, 2023, effective December 1, 2023 (N.J.) based on discipline imposed in the Commonwealth of Pennsylvania for unethical conduct that in New Jersey constitutes violations of RPC 1.1(a) (engaging in gross neglect), RPC 1.3 (lacking diligence), RPC 1.4(b) (failing to keep a client reasonably informed about the status of a

matter and to comply with reasonable requests for information), RPC 3.3(a)(1) (making a false statement of material fact to a tribunal), RPC 3.3(a)(4) (offering evidence that the lawyer knows to be false), RPC 8.4(a) (violating or attempting to violate the Rules of Professional Conduct, knowingly assisting or inducing another to do so, or doing so through the acts of another), RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice). Hillary Horton represented the OAE and respondent appeared pro se.

John Thomas Doyle - Censured on June 30, 2023 (254 N.J. 374) for violating RPC 1.15(d) (failing to adhere to record keeping requirements), RPC 5.5(a)(1) (knowingly practicing law while ineligible), RPC 8.1(a) (making a false statement to disciplinary authorities), RPC 8.4(b) (two instances - committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness), and RPC 8.4(c) (three instances -- committing conduct involving dishonesty or fraud). Amanda Figland represented the OAE and Glenn R. Reiser represented the respondent. The matter was discovered solely as a result of the Trust Overdraft Notification Program.

John Anthony Feloney, IV - Reprimanded on September 13, 2023, (255 N.J. 352) for violating RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to keep a client reasonably informed about the status of a matter), RPC 5.5(a)(1) (unauthorized practice of law), and RPC 8.1(b) (failure to cooperate with disciplinary authorities). David B. Greenfield represented the District VIII Ethics Committee and respondent was pro se.

Virginia T. Fiocca – Censured on June 2, 2023 (254 N.J. 100) for violating RPC 3.1 (engaging in frivolous litigation), RPC 3.4(d) (making frivolous pretrial discovery requests), RPC 4.4(a) (engaging in conduct that has no substantial purpose other than to embarrass, delay, or burden a third person), RPC 8.4(c) (conduct involving dishonesty, fraud, deceit, misrepresentation), and RPC 8.4(d) (conduct prejudicial to the administration of justice). Respondent unsuccessfully attempted to obtain the financial records of the medical practice of grievant, her former brother-in-law, after her sister's attempt to modify her Post-Settlement Agreement on the basis of withheld funds of the medical practice was denied by the trial court. Specifically, Respondent i) formed a

Disciplinary Case Summaries

non-profit medical practice in the same name and town as grievant's medical practice, ostensibly for her daughter who was in medical school in Italy at the time; ii) tried to open an account in the non-profit's name at Bank of America, but was denied as grievant's medical practice had its own account there; iii) filed a complaint alleging grievant's medical practice was misusing the name of the non-profit she had just created; iv) served the complaint on the wrong address for grievant's medical practice; and v) served a subpoena on Bank of America for the finances of grievant's medical practice, ostensibly to obtain the practice's current business address, which subpoena grievant was required to hire counsel to quash. Although not charged, the Board considered as aggravation the fact that Respondent filed the complaint against grievant while she was on retired status. Christopher Ulysses Warren appeared for the District VB Ethics Committee at the Board, and Judith Ann Hartz, Esq., appointed counsel, waived respondent's appearance.

Christopher Raymond Fritz - Reprimanded on March 30, 2023 (253 N.J. 373) for violating the Rules of Professional Conduct governing attorney advertising, including RPC 7.1(a) (engaging in false or misleading communications about the lawyer, the lawyer's services, or any matter in which the lawyer has or seeks a professional relationship), RPC 7.1(b) (using an advertisement or other related communication known to have been disapproved by the Committee on Attorney Advertising), RPC 7.3(b)(5)(i) and (iv) (engaging in improper, unsolicited, direct contact with a prospective client), RPC 7.4(a) misrepresenting that the lawyer has been recognized or certified as a specialist in a particular field of law), and RPC 7.5(e) (using an impermissible firm name or letterhead. Jennifer Iseman represented the OAE, and Robert Ramsey represented the respondent on a motion for discipline by consent granted by the DRB.

Marcy E. Gendel – Suspended for one year on November 8, 2023, effective December 8, 2023 (___N.J.___) for violations of RPC 1.15(a) (negligent misappropriation of client funds), RPC 1.15(b) (failing to promptly deliver funds belonging to a client or third party), RPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer), and RPC 8.4(c) (conducting involving dishonesty, fraud, deceit, or misrepresentation) in two discrete matters. First, in her real estate practice, respondent overcharged and inflated fees and expenses in real estate transactions as detailed on the parties' form HUD-

1s. Second, respondent was prosecuted for committing fraud by applying for, and receiving, federal and state relief for those residents impacted by Tropical Storm Sandy. Respondent certified she was both the homeowner and occupant of her beach property prior to the storm, when in fact she was living elsewhere and the property was being rented by tenants, who also received relief funds. HoeChin Kim represented the OAE before the Court, and respondent was represented by Marc D. Garfinkle.

Nelson Gonzalez – Suspended for six months on March 15, 2023, effective April 11, 2023 (253 N.J. 229) for violating RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to communicate with client), RPC 1.5(b) (failure to set forth in writing the basis or rate of the fee), RPC 3.2 (failure to expedite litigation), RPC 5.3(a) (failure to adopt and maintain reasonable efforts to ensure that the conduct of nonlawyer employees is compatible with the professional obligations of the lawyer), RPC 5.3(b) (failure to make reasonable efforts to ensure that the conduct of nonlawyer employees is compatible with the professional obligations of the lawyer), RPC 7.1(a) (misleading communication about the lawyer or the lawyer's services), RPC 7.S(a) (improper use of a professional designation that violates RPC 7.1), and RPC 8.1(b) (failure to cooperate with disciplinary authorities). Pamela C. Castillo appeared before the DRB for the District XB Ethics Committee and Marc D. Garfinkle, Esq. appeared for the respondent. The respondent was previously disciplined: Suspended for three months in 2014, suspended for three months in 2020 and censured in 2020.

David E. Gray - Censured on October 31, 2023, (___N.J.___) for violating RPC 1.4(b) (failing to keep a client reasonably informed about the status of a matter), RPC 1.15(a) (failing to safeguard client funds and engaging in negligent misappropriation of client funds) (two instances), RPC 1.15(b) (failing to promptly notify a client of receipt of funds in which the client has an interest and failing to promptly deliver funds to a client) (two instances), RPC 1.15(d) (failing to comply with the recordkeeping requirements of Rule 1:21-(6)), RPC 1.17(c)(3) (engaging in the improper purchase of a law office), and RPC 5.3(a) and (b) (failing to supervise a nonlawyer assistant). Corsica D. Smith represented the OAE and Marc D. Garfinkle, Esq. appeared for respondent.

2023
Disciplinary Case Summaries

Frances Ann Hartman - Censured on May 10, 2023 (253 N.J. 557) on a certified record for violating RPC 8.1(b) (failure to cooperate with disciplinary authorities). Ryan J. Moriarty handled the matter for the OAE and Katherine Dodge Hartman, Esq. represented the respondent. Respondent was previously disciplined: Censured in 2020 and admonished in 2014.

Daniel David Hediger – Suspended for three months on May 10, 2023 effective June 12, 2023 (253 N.J. 563) for violating RPC 1.15(d) (failing to comply with the recordkeeping requirements of Rule 1:21-6), and RPC 8.1(b) (failing to cooperate with disciplinary authorities). Hillary Horton appeared before the DRB for the OAE. Joshua G. Curtis appeared for the respondent. The respondent was previously disciplined: Reprimanded in 2004, censured twice in 2007, reprimanded in 2008, and censured in 2010 and 2018.

Wolfgang Heimerl – Admonished on July 12, 2023 (*Unreported*) for a violation of RPC 1.7(a) (concurrent conflict of interest). Carrie Ferrao represented the District XIII Ethics Committee and Howard B. Mankoff, Esq. represented respondent.

I. M. Heine - Reprimanded on June 30, 2023 (254 N.J. 369) for mishandling a client's matter, resulting in violations of RPC 1.3 (exhibiting a lack of diligence), RPC 1.8(a) (entering into an improper business transaction with a client), and RPC 1.15(b) (failing to promptly deliver funds to the client). Ann Madden Tufano represented the District IV Ethics Committee. Respondent was represented by Robert N. Agre, Esq. at trial and was pro se before the Disciplinary Review Board.

William Frederick Henning - Reprimanded on December 19, 2023 (256 N.J. 102) for violating RPC 1.15(a) (engaging in negligent misappropriation of client funds) and RPC 1.15(d) (failing to comply with the recordkeeping requirements of Rule 1:21-6). Jennifer Iseman represented the OAE and Respondent was pro se on a motion for discipline by consent granted by the Disciplinary Review Board. This matter was discovered as a result of the Random Audit Program.

Stephen Paul Hildebrand – Suspended for six months on June 30, 2023, effective July 27, 2023, (254 N.J. 371) based on discipline imposed in the Commonwealth of Pennsylvania for unethical conduct that in New Jersey constitutes violations of RPC 1.1(a) (three instances) (gross neglect), RPC

1.3 (three instances) (lack of diligence), RPC 1.4(b) (three instances) (failure to keep a client reasonably informed about the status of a matter), RPC 1.5(b) (two instances) (failure to set forth in writing the basis or rate of the fee), RPC 1.16(d) (three instances) (upon termination of representation, failure to take steps to the extent reasonably practicable to protect a client's interests, including by refunding any unearned legal fee), RPC 3.2 (three instances) (failure to expedite litigation), RPC 8.1(b) (three instances) (failing to cooperate with disciplinary authorities), and RPC 8.4(d) (one instance) (conduct prejudicial to the administration of justice). Hillary Horton appeared before the DRB for the OAE and respondent was pro se.

Tony Chung-Min Hom – Censured on September 13, 2023 (255 N.J. 358) based on discipline imposed by the United States Patent and Trademark Office for unethical conduct that in New Jersey constitutes a violation of RPC 1.1(a) (engaging in gross neglect), RPC 1.3 (lacking diligence), RPC 1.4(b) (failing to keep a client reasonably informed and failing to promptly comply with reasonable requests for information), RPC 1.4(c) (failing to explain a matter such that a client can make an informed decision), RPC 5.3(a) and (b) (failing to supervise nonlawyer staff), RPC 5.5(a)(2) (engaging in unauthorized practice of law), and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice). Hillary Horton appeared before the DRB for the OAE and respondent was pro se.

Edward Joseph Hovatter – Admonished on September 22, 2023 (*Unreported*) for violation of RPC 1.8(a) (improper business transaction with a client). Robert N. Feltoon represented District IV before the DRB and Kim D. Ringler, Esq. represented the respondent.

William Timothy Howes – Censured on a certified record on June 30, 2023 (254 N.J. 373) violating RPC 1.15(d) (failing to comply with record keeping requirements) and RPC 8.1(b) (two instances -- failing to cooperate with disciplinary authorities). Jason Douglas Saunders represented the OAE and respondent was pro se. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Wardell Huff - Censured on June 5, 2023, (254 N.J. 122), on a disciplinary stipulation for violating RPC 1.4(a) (failing to inform a prospective client of how, when, and where the client may communicate with the attorney), RPC

2023
Disciplinary Case Summaries

1.5(a) (charging an unreasonable fee), RPC 1.5(b) (failing to set forth, in writing, the basis or rate of the attorney's fee), RPC 1.8(h)(l) (making an agreement prospectively limiting the attorney's liability to a client for malpractice), RPC 1.15(d) (failure to comply with the recordkeeping provisions of Rule 1:21-6), RPC 5.3(a) and (b) (failing to supervise nonlawyer staff), RPC 5.4(c) (permitting a person who recommends, employs, or pays the attorney to render legal services for another to direct or regulate the attorney's professional judgment in rendering legal services), RPC 5.5(a)(2) (assisting another in the unauthorized practice of law), and RPC 7.1(a)(l) and (4) (making a false or misleading communication about the lawyer or the lawyer's services), RPC 7.5(b) (failing to identify the attorney's name in advertisements and communications with clients), and RPC 8.1(b) (failing to cooperate with disciplinary authorities). Amanda Figland represented the OAE and Elliot Abrutyn, Esq. represented the respondent.

Ulysses Isa - Suspended for three months on May 16, 2023, effective June 12, 2023, (254 N.J. 2) on a disciplinary stipulation for violating RPC 1.3 (lack of diligence), RPC 1.5(b) (failure to set forth in writing the basis or rate of the fee), RPC 1.15(d) (failure to comply with the recordkeeping requirements of Rule 1:21-6), RPC 5.3(a) (failure to supervise nonlawyer staff), RPC 5.3(b) (failure to make reasonable efforts to ensure that the conduct of a nonlawyer employee is compatible with the professional obligations of the lawyer), and RPC 8.1(b) (failure to cooperate with disciplinary authorities). Amanda Figland represented the OAE and Mario Blanch, Esq. represented respondent. The respondent was previously disciplined: suspended from practice for 3 months on December 7, 2018; and censured in 2020.

Mark Bae Jander – Censured on January 19, 2023 (252 N.J. 560) for violating RPC 8.4(b) (committing a criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects). Michael S. Fogler represented the OAE and Joshua D. Altman, Esq. represented respondent before the DRB.

Adrian Ja Waun Johnson - Reprimanded on December 19, 2023, (256 N.J. 104) for violating RPC 1.3 (lacking diligence); RPC 1.4(b) (failing to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information); RPC 1.16(d) (failing to refund the

unearned portion of a fee upon termination of representation); and RPC 8.1(a) (knowingly making a false statement of material fact to disciplinary authorities). Amanda Figland represented the OAE and Thomas Ambrosio, Esq. represented Respondent on a motion for discipline by consent granted by the Disciplinary Review Board.

David L. Johnson – Reprimanded by consent, on November 1, 2023 (___ N.J. ___) for violation of RPC 1.8(a) (prohibited business transaction with a client) (eight instances) stemming from entering into a business transaction without the required written disclosures and signed, informed consents from the client, as well as loaning monies to the same client without the required disclosures and consents. HoeChin Kim represented the OAE and respondent was represented by Marshall Bilder, Esq.

Stephen Robert Jones – Reprimanded on November 17, 2023 (256 N.J. 31) for violating RPC 1.15(d) (failing to comply with the recordkeeping requirements of Rule 1:21-6), and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice). Colleen Burden represented the OAE and Robert Ramsey, Esq. represented the respondent. The respondent was previously disciplined: Suspended for one year in 2021. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Steven Jay Jozwiak – Reprimanded on November 17, 2023 (256 N.J. 32) for violating RPC 1.5(b) (failing to set forth in writing the basis or rate of the legal fee), RPC 1.7(a) (engaging in a concurrent conflict of interest), and RPC 1.15(a) (engaging in a negligent misappropriation of client funds). Colleen L. Burden appeared before the DRB for the OAE and Gary C. Chiumento, Esq. appeared for the respondent.

Nabil Nadim Kassem – Censured on two certified records on June 20, 2023 (___ N.J. ___) for violating RPC 1.15(d) (failure to comply with the recordkeeping requirements of Rule 1:21-6); RPC 8.1(b) (failure to cooperate with disciplinary authorities) (three instances); and RPC 8.4(d) (conduct prejudicial to the administration of justice). Ryan J. Moriarty handled the matter for the OAE and John D. Arseneault, Esq. represented the respondent. The respondent was previously disciplined: Censured in 2008, suspended for three months in 2020, and reprimanded in 2023. This matter was discovered solely as a result of the Random Audit Compliance Program.

2023 Disciplinary Case Summaries

Nabil Nadim Kassem - Reprimanded on two certified records on June 22, 2023 (254 N.J. 307) for violating RPC 1.15(d) (failure to comply with the recordkeeping requirements of Rule 1:21-6); RPC 8.1(b) (failure to cooperate with disciplinary authorities) (three instances); and RPC 8.4(d) (conduct prejudicial to the administration of justice). Ryan J. Moriarty handled the matter for the OAE and respondent defaulted. The respondent was previously disciplined: Censured in 2008, suspended for three months in 2020, and censured in 2023.

Misha Lee – Disbarred by consent on December 4, 2023 (256 N.J. 86) after acknowledging she knowingly misappropriated client funds. Saleel V. Sabnis handled the matter for the OAE and Kevin J. O’Connor, Esq. represented the respondent. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Robert Captain Leite - Suspended for one year on June 13, 2023, effective July 17, 2023, (254 N.J. 275) following a motion for reciprocal discipline based on misconduct that, in New Jersey, constitutes violations of RPC 1.1(a) (three instances) (gross neglect); RPC 1.1(b) (pattern of neglect); RPC 1.3 (three instances) (lack of diligence); RPC 1.4(b) (failure to communicate with client); RPC 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions); RPC 1.5(b) (failure to set forth in writing the basis or rate of the fee); RPC 1.16(d) (upon termination of representation, failure to take steps to the extent reasonably practicable to protect a client’s interests, including by refunding any unearned legal fee); RPC 4.1(a)(1) (false statement of material fact or law to a third person); RPC 5.5(a)(1) (three instances) (unauthorized practice of law); RPC 8.4(c) (three instances) (conduct involving dishonesty, fraud, deceit, or misrepresentation); and RPC 8.4(d) (conduct prejudicial to the administration of justice). Michael S. Fogler, Assistant Deputy Ethics Counsel represented the OAE and respondent was pro se.

James R. Lisa – Censured on June 20, 2023 (254 N.J. 274) for violating RPC 1.5(b) (failing to set forth in writing the basis or rate of the legal fee), RPC 8.1(b) (two instances -failing to cooperate with disciplinary authorities), and RPC 1.16(d) (failing to protect a client’s interests upon termination of the representation) in two separate matters. Monique D. Moreira appeared before the DRB on behalf of the District VI Ethics Committee and Peter R. Willis, Esq. appeared on behalf of

respondent. The respondent was previously disciplined: Admonished in 1995; suspended for three months in 1998; suspended for one year in 1999; suspended for six months in 2000; and censured in 2008.

James R. Lisa – Disbarred by consent on October 2, 2023, (255 N.J. 399) after acknowledging that the OAE’s allegations that he knowingly misappropriated client trust funds were true, and that if he went to a hearing on the matter, he could not successfully defend himself against those charges. Darrell M. Felsenstein represented the OAE and John C. Whipple, Esq. represented respondent. The respondent was previously disciplined: Admonished in 1995; suspended for three months in 1998; suspended for one year in 1999; suspended for six months in 2000; censured in 2008; and temporarily suspended and censured in 2023.

Douglas M. Long - Disbarred on October 24, 2023 (255 N.J. 436) following his guilty plea and conviction, in the United States District Court for the District of New Jersey, for one count of federal income tax evasion, in violation of 26 U.S.C. § 7201 conduct that violates RPC 8.4(b) (commission of a criminal act that reflects adversely on a lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects). Hillary Horton represented the OAE on a motion for final discipline and Michael L. Testa, Esq. represented Respondent. Respondent was previously disciplined: Reprimanded in 2016.

Douglas M. Long - Disbarred by consent on October 24, 2023 (255 N.J. 435) for violating RPC 3.3(a)(1) (knowingly make a false statement of material fact to a tribunal), RPC 3.4(b) (assist a witness to testify falsely), RPC 8.1(a) (knowingly make a false statement of material fact in connection with a disciplinary matter), RPC 8.4(b) (commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects), RPC 8.4(c) (engage in conduct involving dishonesty, fraud, deceit, or misrepresentation), and RPC 8.4(d) (engage in conduct that is prejudicial to the administration of justice). Ryan J. Moriarty represented the OAE and Michael L. Testa, Esq. represented the respondent. Respondent was previously disciplined: Reprimanded in 2016.

William H. Lynch – Suspended for 18 months on February 9, 2023 (253 N.J. 3) following a conviction in the Court of Common Pleas of Chester County, Pennsylvania of one count of stalking, contrary to 18

2023
Disciplinary Case Summaries

Pa.C.S.A. § 2709.1(a)(2), conduct violating RPC 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects). Deputy Ethics Counsel Hillary Horton represented the OAE on a motion for final discipline and respondent was pro se.

Edwyn D. Macelus - Disbarred on May 10, 2023 (253 N.J. 554) for violating RPC 1.15(a) (knowing misappropriation of client funds) and the principles of In re Wilson, 81 N.J. 451 (1979) and In re Hollendonner, 102 N.J. 21 (1985), RPC 1.15(b) (failure to promptly deliver funds to a third party), and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation). Ryan J. Moriarty appeared before the Supreme Court for the OAE and Gerald Miller, Esq. represented respondent.

Vincent N. Macri - Admonished on January 20, 2023 (___ N.J. ___) for violating RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal) and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice). Amanda Figland represented the OAE and John M. Iacifano, Esq. represented the respondent on a disciplinary stipulation before the DRB.

Khaled Madin – Admonished on May 26, 2023 (*Unreported*) for violation of RPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer). Colleen L. Burden appeared before the DRB for the OAE and Robert Ramsey, Esq. appeared for the respondent.

Christopher Michael Manganello – No additional discipline, effective April 13, 2023 (253 N.J. 460) for violating RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to communicate with client), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) as the timing of the misconduct overlapped the prior imposed discipline. Victoria Rand represented the District IV Ethics Committee and respondent was pro se. Respondent has a disciplinary history: Censure in 2017; Six-month suspension in 2022; One-year suspension in 2022.

Christopher Michael Manganello – Disbarred on October 13, 2023 (255 N.J. 433) for violating RPC 1.1(a) (gross neglect) (four instances), RPC 1.3 (lack of diligence) (two instances), RPC 1.4(b) (failure to communicate with a client) (three instances), RPC 1.4(c) (failure to explain a matter to

the extent reasonably necessary to permit the client to make informed decisions about the representation) (two instances), RPC 1.16(d) (failure to return the client's file upon termination of the representation), RPC 8.1(b) (failure to cooperate with disciplinary authorities) (six instances), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) (four instances). Rachael Leah Weeks appeared for the OAE before the Supreme Court on the order to show cause. The respondent was previously disciplined: Censured in 2017, suspended for six months in 2022, and suspended for one year in 2022.

John M. Mavroudis – Suspended for one year on June 5, 2023 (254 N.J. 124) for violating RPC 3.3(a)(1) (making a false statement of material fact to a tribunal), RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), RPC 8.1(a) (making a false statement of material fact in a disciplinary matter), RPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer) (two instances), RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation) (three instances), and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice). Timothy J. McNamara represented the OAE and Michael D. Camarinos, Esq. represented Respondent.

John M. Mavroudis - Admonished by consent on December 19, 2023 (256 N.J. 105) for violating RPC 1.15(d) (failure to comply with the recordkeeping provisions of Rule 1:21-6). Diane M. Yandach represented the OAE and respondent was pro se. The respondent was previously disciplined: Suspended for one year in 2023. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Michael Martin McDonnell – Admonished on October 24, 2023 (255 N.J. 438) for violating RPC 8.1(b) (failure to cooperate with disciplinary authorities) (two instances). Michael Noriega handled the matter for District XII and respondent was pro se.

Donald M. McHugh - Reprimanded on January 10, 2023 (___ N.J. ___) on a disciplinary stipulation for violating RPC 3.3(a)(1) (making a false statement of material fact to a tribunal), RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), RPC 8.1(a) (knowingly making a false statement of material fact to disciplinary authorities), RPC 8.4(c) (engaging in conduct involving dishonesty, fraud,

2023
Disciplinary Case Summaries

deceit, or misrepresentation) and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice). Amanda Figland represented the OAE and Justin P. Walder, Esq. represented the respondent.

Timothy Joseph McIlwain – Suspended for one month on July 20, 2023, effective August 18, 2023 (254 N.J. 432) for violating RPC 3.1 (engaging in frivolous litigation), RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice) (three instances). Amanda Figland represented the OAE and Robert Ramsey, Esq. represented the respondent.

Brian M. Miranda – Reprimanded on September 13, 2023 (255 N.J. 353) for violating RPC 1:15(a) (negligent misappropriation of client funds), and RPC 1:15(d) (failing to maintain financial records required by Rule 1:21-6). Christopher W. Goodwin represented the OAE and Scott B. Piekarsky, Esq. represented the respondent.

Milena Mladenovich – Suspended for one year on June 13, 2023, effective July 17, 2023, (254 N.J. 272) following her convictions in the Court of Common Pleas of Philadelphia County, Pennsylvania, for first-degree misdemeanor terroristic threats, in violation of 18 Pa. C.S. § 2706(a)(1), and third-degree misdemeanor harassment, in violation of 18 Pa. C.S. § 2700(a)(4), and for violating RPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer). Michael S. Fogler, Assistant Deputy Ethics Counsel, represented the OAE on a motion for final discipline and respondent was pro se.

William P. Munday -- Censured on December 8, 2023, (256 N.J. 89) for violating RPC 3.1 (engaging in frivolous litigation); RPC 3.3(a)(1) (making a false statement of material fact to a tribunal) (three instances); RPC 8.4(a) (violating or attempting to violate the Rules of Professional Conduct); RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation) (three instances); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice). Amanda Figland represented the OAE and John C. Whipple, Esq. represented respondent.

D. Ryan Nussey – Censured on January 31, 2023 (___ N.J. ___) for violations of RPC 1.4(b) (failure to comply with a client’s reasonable requests for information) and RPC 8.1(b)(failure to cooperate

with disciplinary authorities). Matthew Gindele represented District IV and respondent was pro se. Respondent has a disciplinary history: Reprimand in 2020 and censured in 2022.

George N. Pappas - Reprimanded on January 31, 2023 (___ N.J. ___) for violating RPC 8.1(b) (failure to cooperate with disciplinary authorities). Hillary Horton represented the OAE and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2023.

Eden E. Pinkas – Suspended for six months on July 13, 2023 (retroactive to May 7, 2021), (254 N.J. 445) for violating RPC 5.5(a)(2) (assisting another in the unauthorized practice of law) and RPC 8.3(a) (failing to report another lawyer’s RPC violations that raise a substantial question as to that lawyer’s honesty, trustworthiness, or fitness). Michael S. Fogler represented the OAE on a motion for reciprocal discipline and Kim D. Ringler, Esq. represented the respondent.

Robert Arthur Plagmann – Suspended for one year on June 20, 2023 effective July 17, 2023 (254 N.J. 271) based on discipline imposed in the State of Arizona for unethical conduct that in New Jersey constitutes violations of RPC 8.1(a) (making a false statement of material fact in a bar admission application), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Hillary Horton represented the OAE on a motion for reciprocal discipline and respondent was pro se.

Meryl M. Polcari - Reprimanded on October 4, 2023. (255 N.J. 403) for violations of RPC 1.15(a) (commingling); RPC 1.15(b) (failure to promptly deliver funds belonging to a client); and RPC 1.15(d) (failure to comply with the recordkeeping requirements of Rule 1:21-6). Colleen L. Burden represented the OAE and respondent was represented by Robert Ramsey, Esq. This matter was discovered solely as a result of the Random Audit Compliance Program.

Matthew D. Rasmussen – Disbarred on June 7, 2023 (254 N.J. 126) for violating RPC 1.3 (lacking diligence), RPC 1.4(b) (two instances -- failing to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information), RPC 1.15(a) (two instances - failing to safeguard client funds) and the principles of In re Wilson, 81 N.J. 451 (1979) (two instances - knowing misappropriation of client funds), and In re Hollendonner, 102 N.J. 21 (1985) (two instances

2023
Disciplinary Case Summaries

-- knowing misappropriation of escrow funds), RPC 1.15(b) (two instances -- failing to promptly deliver funds to client), RPC 1.15(c) (failing to provide an accounting to a client when separating funds in which both the client and the attorney claim interests), RPC 1.15(d) (failing to comply with the recordkeeping requirements of Rule 1:21-6)), RPC 8.1(a) (two instances -- making a false statement of material fact in a disciplinary matter), RPC 8.1(b) (two instances -- failing to cooperate with disciplinary authorities), and RPC 8.4(c) (two instances -- engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation). Ryan J. Moriarty appeared before the Supreme Court for the OAE and respondent was pro se. This matter was discovered solely as a result of the Random Audit Compliance Program.

Richard Donnell Robinson – Reprimanded on a certified record on March 23, 2023 (253 N.J. 328) for violating RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(a) (failure to inform a prospective client of how, when, and where the client may communicate with the attorney), RPC 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions), and RPC 8.1(b) (failure to cooperate with disciplinary authorities). Rebecca G. Esmi represented the District IIIB Ethics Committee and respondent was pro se.

Kenneth James Rosellini – Censured on May 16, 2023 (254 N.J. 7) for violating RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice). Robert Clement Papa handled the matter for the District XI Ethics Committee and Isabel K. McGinty appeared before the DRB and the Supreme Court on behalf of the OAE on appeal of the dismissal of the matter by the hearing panel.

Michael A. Rowek – Suspended for two years on February 9, 2023, effective March 3, 2023, (253 N.J. 1) following his conviction in the Superior Court of New Jersey, to two counts of third-degree possession of a controlled dangerous substance (CDS), in violation of N.J.S.A 2C:35-10(a)(1), conduct violating RPC 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer). Deputy Ethics Counsel Hillary Horton represented the OAE on a motion for final discipline and Michael P. Ambrosio, Esq. represented respondent. Respondent was previously disciplined: Suspended for one year in 2015.

Darryl M. Saunders – Suspended for six months on May 30, 2023, effective June 19, 2023, (254 N.J. 49) for violating RPC 1.3 (lack of diligence), RPC 1.16(d) (failure to refund the unearned portion of the fee upon termination of representation), RPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer), and RPC 8.4(c) (engaging in conduct involving, dishonesty, fraud, deceit, or misrepresentation). Colleen L. Burden represented the OAE and respondent was pro se. The respondent was previously disciplined: Suspended for three months in 2021, and reprimanded in 2022.

Steven H. Schefers – Censured on June 30, 2023 (254 N.J. 370) for violating RPC 8.1(a) (conflict of interest) after engaging in an improper business transaction with a client. Colleen L. Burden represented the OAE and respondent was pro se.

David M. Schlachter – Reprimanded on June 30, 2023, (254 N.J. 375) for violating RPC 1.15(d) (failure to comply with recordkeeping requirements of Rule 1:21-6), and RPC 8.1(b) (failure to cooperate with disciplinary authorities). On the same date in a separate matter, the respondent received a three-month suspension, effective July 27, 2023. Assistant Ethics Counsel Darrell M. Felsenstein represented the OAE and Joseph M. Tomaino, Esq. represented respondent.

Lawrence S. Schwartz - Censured on December 8, 2023, (256 N.J. 91) for violating RPC 1.15(b) (failing to promptly deliver funds to a third party), and RPC 5.3(a), (b), and (c) (failing to supervise nonlawyer staff). Timothy J. McNamara represented the OAE and Kevin H. Marino, Esq. represented respondent on a motion for discipline by consent granted by the Disciplinary Review Board.

Justin Scott – Censured on May 31, 2023 (___ N.J. ___) for violating RPC 8.1(a) (making a false statement of material fact to disciplinary authorities), RPC 8.4(b) (committing a criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) when respondent used software, which he had downloaded to his former firm's computer without the firm's knowledge, to access his former firm's computer system post-termination multiple times. HoeChin Kim represented the OAE and Marc D. Garfinkle, Esq. represented respondent.

Jami Segota – Reprimanded on January 30, 2023 (___ N.J. ___) based on discipline imposed in the

2023
Disciplinary Case Summaries

Commonwealth of Pennsylvania for unethical conduct that in New Jersey is in violation of RPC 5.5(a)(1) (practicing while ineligible). Hillary Horton appeared before the DRB for the OAE on a motion for reciprocal discipline and Robert S. Tintner, Esq. represented respondent.

David T. Shulick – Disbarred by consent on November 28, 2023 (256 N.J. 64) following his criminal conviction in the United States District Court-Eastern District of Pennsylvania of violating 18 USC Section 371- Conspiracy to embezzle from a program receiving federal funds; 18 USC Section 666(A)(1)(A) - Embezzlement from a program receiving federal funds; 18 USC Section 1344 - Bank fraud aiding and abetting; 18 USC Section 1014- False statement to a bank aiding and abetting; and three counts under 18 USC 7206- 1 - Filing false tax returns. Darrell Felsenstein represented the OAE and Andrew D. Swain, Esq. represented the respondent.

Fausto J. Simoes - Disbarred by consent on September 15, 2023 (255 N.J. 360) following respondent's guilty plea to one count of Conspiracy to Commit Bank Fraud in violation of 18 U.S.C. §1349, conduct in violation of RPC 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects). Diane Yandach represented the OAE and John Whipple, Esq. represented the respondent.

Theresa M. Simonson - Disbarred by consent on March 30, 2023, (253 N.J. 371). Respondent acknowledged that she was aware that the OAE alleged that she knowingly misappropriated funds, and that if she went to a hearing on the matter, she could not successfully defend herself against those charges. Timothy J. McNamara represented the OAE and Mark M. Tallmadge, Esq. represented the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

Darryl George Smith - Reprimanded on April 13, 2023 (253 N.J. 428) on a certified record for violating RPC 1.15(d) (failure to comply with recordkeeping requirements), and RPC 8.1(b) (failure to cooperate with disciplinary authorities). Ryan J. Moriarty handled the matter for the OAE and respondent was pro se. The respondent was previously disciplined: Censured in 2020. This matter was discovered solely as a result of the Random Audit Compliance Program.

Stephen E. Smith – Censured on May 9, 2023 (253 N.J. 543) for violating RPC 1.5(a) (charging an

unreasonable fee), and RPC 1.15(b) (failure to promptly deliver funds dishonesty, fraud, deceit, or misrepresentation). Ryan J. Moriarty appeared before the DRB for the OAE and Fredric L. Shenkman, Esq. appeared for the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

Andrew B. Spark – Received an indeterminate suspension on May 10, 2023, effective June 8, 2023 (253 N.J. 561) based on respondent's guilty pleas in the Sixth Judicial Circuit Court, Pinellas County, Florida, to third-degree felony introduction into or possession of contraband in a county detention facility, and first-degree misdemeanor soliciting for prostitution, contrary to Florida Statutes, and in the Thirteenth Judicial Circuit Court, Hillsborough County, Florida to third-degree introduction of contraband to a detention facility, conduct in violation of RPC 8.4(b)(commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer), and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation). Hillary Horton represented the OAE and Teri S. Lodge, Esq. represented the respondent.

Robert James Stack - Suspended for two years on September 12, 2023, (255 N.J. 325) for violating RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to communicate with a client), RPC 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions), RPC 1.15(a) (negligent misappropriation of client funds), RPC 1.15(d) (failure to comply with the recordkeeping requirements of Rule 1:21-6), RPC 5.5(a)(1) (practice of law while suspended) (two instances), and RPC 8.1(b) (failure to cooperate with disciplinary authorities) (four instances). Ryan J. Moriarty represented the OAE on a certified record and respondent was pro se. Respondent was previously disciplined: Admonition in 2019, and reprimand in 2022

Kevin N. Starkey – Admonished on September 22, 2023 (*Unreported*) for his violation of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information), RPC 1.16(d) (failure to protect the client's interests upon termination of the representation), and RPC 3.2 (failure to expedite litigation) in an action to quiet title. Douglas M. Nelson represented the District IIIB Ethics

2023
Disciplinary Case Summaries

Committee and William P. Cunningham, Esq. represented the respondent.

Ronald B. Thompson – Censured on March 23, 2023 (253 N.J. 329) for violating RPC 1.5(b) (failure to set forth, in writing, the basis or rate of the fee). Gil Scutti represented the District IV Ethics Committee and respondent was pro se. Respondent was previously disciplined: Censured in 2011 and 2014.

Philip V. Toronto – Suspended for six months on June 30, 2023, effective July 27, 2023, on a certified record (254 N.J. 376) for violations of RPC 1.15(a) (negligent misappropriation of client funds), RPC 1.15(d) (failure to comply with recordkeeping requirements), RPC 5.5(a)(1) (unauthorized practice of law – practicing while ineligible), and RPC 8.1(b) (failure to cooperate with disciplinary authorities) stemming from investigations into three overdraft notifications. HoeChin Kim represented the OAE and respondent was pro se. Respondent has a disciplinary history: Reprimanded in 1997; suspended for three months in 1997; and reprimand in 2005. These matters were discovered solely as the result of the Trust Overdraft Notification Program.

Matthew J. Trella – Censured on May 31, 2023 (___ N.J. ___) for violating RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information), RPC 1.5(a) (fee overreaching), RPC 1.5(b) (failure to set forth in writing the basis or rate of the legal fee), RPC 1.8(a) (improper business transaction with a client), RPC 1.15(a) (negligent misappropriation of escrow funds), RPC 1.15(b) (failure to promptly deliver funds to a client or a third party), RPC 8.1(a) (false statement of material fact in a disciplinary matter), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). HoeChin Kim represented the OAE and respondent was represented by Richard S. Mazawey, Esq.

Josue Vazquez- Censured on May 10, 2023 (253 N.J. 555) on a disciplinary stipulation for violating RPC 1.7(a)(2) (engaging in a concurrent conflict of interest), RPC 4.2 (communicating with a person represented by counsel), and RPC 8.4(g) (engaging, in a professional capacity, in conduct involving discrimination). Amanda Figland represented the OAE and Justin Day, Esq. represented respondent.

David R. Waldman – Suspended for three years on February 9, 2023, (253 N.J. 4), following his conviction in the United States District Court for the Southern District of New York to one count of cyberstalking, contrary to 18 U.S.C. § 2261A(2)(B), conduct in violation of RPC 8.4(b) (commission of a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer). Michael S. Fogler, Assistant Deputy Ethics Counsel, represented the OAE on a motion for final discipline and respondent was pro se.

Alan N. Walkow - Reprimanded on December 8, 2023 (256 N.J. 90) for violating RPC 7.1(a) (making false or misleading communications about the lawyer, the lawyer’s services, or any matter in which the lawyer has or seeks a professional involvement), RPC 7.1(a)(3) (making false or misleading communications by comparing the lawyer’s service with other lawyers’ services), and RPC 8.1(b) (failing to cooperate with disciplinary authorities) (two instances). Jennifer Iseman represented the OAE and respondent was pro se.

Evan D. Weiner - Reprimanded on September 13, 2023 (255 N.J. 351) for violating RPC 1.5(a) (fee overreaching), RPC 1.15(a) (negligent misappropriation of client funds), RPC 1.15(d) (failure to comply with the recordkeeping requirements of Rule 1:21-6), and RPC 7.5(e) (impermissible firm name or letterhead). HoeChin Kim represented the OAE and Glenn R. Reiser, Esq. represented respondent. This matter was discovered solely as a result of the Random Audit Program.

Lawrence J. Weinstein – Permanently barred from future plenary or pro hac vice admission to practice in this State on May 16, 2023, effective immediately, (N.J. ___) following his criminal conviction in the Supreme Court of Pennsylvania for one count of possession of a device for intercepting communication, one count of conspiracy to possess a device for intercepting communication, one count of criminal use of a communication facility, one count of false imprisonment, two counts of invasion of privacy (viewing a photograph of a person without consent), and one count of recklessly endangering another person, conduct in violation of RPC 8.4(b) (commission of a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer). Michael S. Fogler, Assistant Deputy Ethics Counsel represented the OAE on a motion for reciprocal discipline and the respondent was pro se.

2023
Disciplinary Case Summaries

Brian O. Williams – Suspended for six months on October 6, 2023 (255 N.J. 401) following a motion for reciprocal discipline based on misconduct that, in New Jersey, constituted violations of RPC 1.1(a) (gross neglect) (four instances), RPC 1.1(b) (pattern of neglect), RPC 1.3 (lack of diligence) (four instances), RPC 1.4(b) (failure to keep a client reasonably informed about the status of a matter) (five instances), RPC 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit a client to make informed decisions) (four instances), RPC 3.2 (failure to expedite litigation) (two instances), and RPC 8.4(d) (engage in conduct prejudicial to the administration of justice). Hillary Horton represented the OAE and respondent was pro se.

William M. Witherspoon – Reprimanded on a certified record on April 13, 2023 (253 N.J. 459) for violating RPC 8.1(b) (failure to cooperate with disciplinary authorities), and RPC 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE and respondent was pro se.

Michael S. Wittenberg – Reprimanded on a certified record on March 15, 2023 (253 N.J. 231) for violating RPC 1.15(d) (failure to comply with the recordkeeping requirements of Rule 1:21-6), and RPC 8.1(b) (failure to cooperate with disciplinary authorities). Colleen L. Burden represented the OAE and respondent was pro se. This matter was discovered solely as a result of the Random Audit Compliance Program.

Dorothy L. Wright – Reprimanded on June 5, 2023 (254 N.J. 118) for violating RPC 1.3 (lack of diligence), and RPC 1.6(a) (failure to maintain confidential information). Sarah Mahony Eaton appeared before the DRB for the District XIII Ethics Committee and Marc D. Garfinkle, Esq. appeared for the respondent. The respondent was previously disciplined: Admonished in 1996 and reprimanded in 1998 and 2013.

Hayes R. Young – Admonished on November 22, 2023 (*Unreported*) for violating RPC 1.3, and RPC 1.4(b) by failing to prosecute a client’s medical malpractice lawsuit and by failing to reply to her numerous inquiries regarding the status of her matter, including the fact that her lawsuit had been filed and, thereafter, dismissed for lack of prosecution, and for violating RPC 1.5(b) by failing to set forth to the client, in writing, the basis or rate of his legal fee. Paul S. Evangelista represented the District VI Ethics Committee and Stephen N. Dratch, Esq. represented the respondent.