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This opinion shall not "constitute precedent or be binding upon any court."
Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3536-16T3

JONATHAN NEWCOMB,

Plaintiff-Respondent,

v.

ANN M. ASPELL,

Defendant-Appellant.

Submitted February 14, 2018 — Decided March 2, 2018

Before Judges Nugent and Currier.

On appeal from Superior Court of New Jersey,
Law Division, Gloucester County, Docket No.
DC-004286-16.

Law Offices of Igor Sturm, attorney for
appellant (William C. MacMillan, on the
brief).

Respondent has not filed a brief.

PER CURIAM

This case involves defendant Ann M. Aspell's dispute over the
fee plaintiff Jonathan Newcomb, an attorney, charged for
representing her during her divorce. Defendant appeals a Special

Civil Part judgment for plaintiff entered on a fee arbitration award. We affirm.

Defendant retained plaintiff to represent her during a divorce proceeding. Plaintiff did not have a signed retainer agreement. He did, however, submit bills to defendant on a monthly basis from September 2013 through November 30, 2014, when she terminated his services.

Defendant refused to pay plaintiff's bill and demanded fee arbitration. Following a hearing, a District IV Fee Arbitration panel reduced plaintiff's fee application and awarded him \$8759.53.

Defendant appealed the award to the Supreme Court of New Jersey Disciplinary Review Board. The Disciplinary Review Board dismissed the appeal. The Board explained to defendant:

Upon full review and consideration of the matter, the Board did not find sufficient proof of the R. 1:20A-3(c) violations alleged in your appeal. The Board, therefore, has affirmed the Committee's decision and dismissed your appeal. Please be assured that the Board carefully considered your specific claims and the materials provided by the Committee in reaching its decision.

The rule cited by the Board, Rule 1:20A-3(c), provides:

Appeal. No appeal from the determination of a Fee Committee may be taken by the client or the attorney to the Disciplinary Review Board except where facts are alleged that:

- (1) any member of the Fee Committee hearing the fee dispute failed to be disqualified in accordance with the standards set forth in R. 1:12-1; or
- (2) the Fee Committee failed substantially to comply with the procedural requirements of R. 1:20A, or there was substantial procedural unfairness that led to an unjust result; or
- (3) there was actual fraud on the part of any member of the Fee Committee; or
- (4) there was a palpable mistake of law by the fee committee which on its face was gross, unmistakable, or in manifest disregard of the applicable law, which mistake has led to an unjust result.

When defendant continued to refuse to pay plaintiff's fee, plaintiff filed an action seeking an order entering judgment on the fee award. Defendant filed an answer and thereafter plaintiff moved for summary judgment. Defendant filed opposing papers. The trial court granted plaintiff's motion, confirmed the fee arbitration award, and entered judgment in favor of plaintiff. Defendant appealed from the ensuing order.

On appeal, defendant makes two arguments:

POINT I. UNDER THE APPLICABLE COURT RULES, THE PLAINTIFF IS NOT PERMITTED TO RECOVER ATTORNEYS FEES DUE TO HIS FAILURE TO OBTAIN A WRITTEN RETAINER AGREEMENT.

POINT II. THE ARBITRATION AWARD IS VOID, OR VOIDABLE, AND/OR SHOULD BE SET ASIDE DUE TO FRAUD.


We have considered defendant's arguments in light of the record and controlling legal principles. The arguments are without

sufficient merit to warrant discussion in a written opinion. R.

2:11-3(e)(1)(E).

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION