

DISCIPLINARY REVIEW BOARD OF THE SUPREME COURT OF NEW JERSEY



ANNUAL REPORT 2004

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Disciplinary Review Board

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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June 15, 2005

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

I am pleased to submit to the Court the 2004 Annual Report of the Disciplinary Review Board. The Board concluded all matters pending from 2003, resolved 497 matters, and transmitted 155 decisions to the Court. In so doing, the Board completed its appellate review of all disciplinary matters and ethics appeals well within the time goals set out in R. 1:20-8(c). The overage in the remaining category (fee arbitration appeals) was less than one month.

During calendar year 2004, the Office of Board Counsel (OBC) concentrated on the administrative cost assessment and collection process. The OBC expended substantial effort on streamlining, and therefore expediting, cost collection in all cases, resulting in an 8% increase in 2004 cost collection over the 2003 collection amount. By the end of 2004, the OBC was current with cost assessment and collection in every case resolved that year where assessment was Court ordered.

The Board will continue to fairly and expeditiously resolve all cases before it, to the benefit of the bar, the public, and the disciplinary system.

Respectfully submitted,

Julianne K. DeCore
Julianne K. DeCore
Chief Counsel

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INTRODUCTION

The Disciplinary Review Board of the Supreme Court of New Jersey (Board) serves as the intermediate appellate level of the attorney disciplinary system in this state.

The district ethics committees investigate, prosecute, and recommend discipline in most disciplinary matters. The Office of Attorney Ethics (OAE) investigates grievances in selected districts and exercises statewide jurisdiction over complex and emergent matters. The Board reviews all recommendations for discipline from the districts and the OAE. The Board's decisions as to discipline are final in all cases, subject to the Supreme Court's confirming order, except those decisions recommending disbarment. The Board's determinations of appeals from dismissals of ethics grievances and of appeals of Fee Arbitration Committee rulings are absolutely final, with no option for judicial review.

The Supreme Court created the Board in 1978, and the Office of Disciplinary Review Board Counsel (Office of Board Counsel) in 1984. In mid-1994, the Court eliminated all private discipline and opened to the public all disciplinary proceedings after the filing and service of a formal complaint.

As part of the disciplinary system, the Board is funded exclusively by annual assessments paid by all New Jersey attorneys. In 2004, each New Jersey attorney admitted to practice between five and forty-nine years was assessed a total of \$190 (\$134 for ethics, \$50 for the Lawyers' Fund for Client Protection and \$6 for the Lawyers' Assistance Program) to pay for the disciplinary system. Attorneys in the third and fourth calendar year of admission paid a total of \$165, while attorneys in the first calendar year of admission paid only \$28.

While all Board members are volunteers, its staff is professional. The 2004 budget for the disciplinary system, as approved by the Supreme Court, allocated \$1,536,268 to cover salaries and benefits for Office of Board Counsel employees. An additional sum of \$179,500 was allocated to cover the Board's operating costs.

BOARD FUNCTIONS

The Board's review is de novo on the record, with oral argument at the Board's discretion. The Board hears oral argument on all cases in which a district ethics committee¹ or a special master issues a report recommending discipline greater than an admonition. Occasionally, the Board remands the matter for further proceedings. At the conclusion of oral argument, the Board privately deliberates about the appropriate outcome of each case, voting for either dismissal of the complaint or for the imposition of one of several forms of discipline: admonition, reprimand, censure, suspension, and disbarment. Office of Board Counsel then prepares a formal decision for the Board's review. Upon approval, the decision is filed with the Supreme Court.

In addition to discipline, the Board may impose certain conditions or restrictions, such as, proctorship, course requirements, proof of fitness certified by a mental health practitioner, annual audits of trust account records, and the requirement that the attorney practice in a law firm setting or continue psychological/substance abuse therapy. In some instances, the Board may require community service.

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

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

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

When an attorney has been convicted of a crime or has been disciplined in another jurisdiction, the OAE will file with the Board a Motion for Final Discipline (R. 1:20-13(c)) or a Motion for Reciprocal Discipline (R. 1:20-14), respectively. Following oral argument and the Board's deliberation, the Office of Board Counsel prepares a formal decision for the Board's review and, after Board approval, the decision is filed with the Court. The same post-decision procedures applicable to cases heard by a district ethics committee or a special master apply here.

Effective 1995, the Court adopted two other disciplinary case procedures: motions for discipline by consent and default actions. Both are intended to expedite the resolution of certain matters.

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

In default matters, after an attorney has failed to file a verified answer to the formal ethics complaint, the district ethics committee or the OAE will certify the record directly to the Board for the imposition of sanction. R. 1:20-4. If the attorney files a motion to vacate the default, the Board

will review the motion simultaneously with the default case. If the Board vacates the default, the matter is remanded to the district ethics committee for a hearing. Otherwise, the Board will proceed with the review of the case on a default basis, deeming the allegations of the complaint admitted. A formal decision is then filed with the Supreme Court.

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

BOARD MEMBERSHIP

The Board consists of nine members appointed by the Supreme Court. Board members serve without compensation. Three appointees are non-lawyer, public members; one member is customarily a retired judge of the Appellate Division or of the Superior Court; the remaining five members are attorneys. In 2004, the Board was chaired by Mary J. Maudsley, Esq.; William J. O'Shaughnessy, Esq., was Vice-Chair.

The Board's members in 2004 were:

Chair, Mary J. Maudsley, Esq.

Chair Maudsley, of Linwood, is a partner with the Marmora firm of April, Maudsley and Goloff. Ms. Maudsley joined the Board in 1996. She has been in private practice since her admission to the bar in 1974. Prior to her appointment to the Board, she served for eleven years on the Supreme Court's Committee on Character, chairing Part IV from 1990 to 1996, and was also a member of the District I Ethics Committee. Ms. Maudsley serves as solicitor to several planning boards and to the Atlantic County Ethics Board. She is also a past senior member of the Editorial Board of the New Jersey Law Journal.

Vice-Chair, William J. O'Shaughnessy, Esq.

Vice-Chair O'Shaughnessy, of Princeton, is a member of the firm of McCarter & English, LLP. Mr. O'Shaughnessy, who was admitted to the New Jersey Bar in 1968, was appointed to the Board in 2000. He has more than thirty years experience as a trial lawyer and served as a member of the District VA Ethics Committee from 1984 to 1988 (as Chair from 1987 to 1988). Mr. O'Shaughnessy is a fellow of the American College of Trial Lawyers, a fellow of the American Bar Foundation, a member of the American Law Institute, and a Certified Mediator and Arbitrator for the United States District Court, District of New Jersey.

Barbara F. Schwartz

Ms. Schwartz, of Vineland, was appointed to the Board in 1993 and had served as a public member for four years on the District I Fee Arbitration Committee and for three years on the District I Ethics Committee. She is a retired nurse with psychiatric, emergency room, labor and delivery and operating room experience. Prior to her nursing career, she was legal secretary to the Hon. David L. Horuvitz and the Hon. Stanley Brotman.

Ruth Jean Lolla

Mrs. Lolla, of Tuckerton, was appointed to the Board in 1996 and is a former member of the District IIIA Ethics Committee and served a term with the District IIIA Fee Arbitration Committee. Mrs. Lolla is a graduate of the University of Pennsylvania School of Dental Hygiene, a retired dental hygienist, and the mother of six.

Spencer Wissinger, III

Mr. Wissinger, of Bernardsville, was appointed to the Board in 1999, and is a former member of the District X Ethics Committee. He is a CPA and a principal in the firm of David Fischer & Company. He is a member of the American Institute of Certified Public Accountants and the New Jersey State Society of Certified Public Accountants, as well as a member of the Kiwanis Club of Morristown and its Treasurer since 1976.

Matthew Boylan, Esq.

Mr. Boylan, of Wyckoff, is a member of the firm of Lowenstein Sandler, P.C. He was appointed to the Board in 1999. Mr. Boylan, was admitted to the bar in 1958 and has more than forty years experience as a litigator before the state and federal courts. He is a former Director of the Division of Criminal Justice in New Jersey, and served on the New Jersey Trial Attorney Certification Board from 1980 to 1984. He is a fellow of the American Bar Association and of the American College of Trial Lawyers, as well as a member of the Trial Attorneys of New Jersey.

Louis Pashman, Esq.

Mr. Pashman, of Upper Saddle River, was admitted to the New Jersey Bar in 1967 and was appointed to the Board in 2001. He is a Certified Civil Trial Attorney and member of the firm of Pashman Stein, P.C. Mr. Pashman served as a member of the Bergen County Ethics Committee from 1976 to 1981 (as Chair from 1978 to 1981), as a member of the Supreme Court Committee on Matrimonial Litigation, and the Supreme Court Committee on Judicial Performance.

Hon. Reginald Stanton

Judge Stanton, of Morristown, was appointed to the Board in 2003. He served in the judiciary from 1975 to 2003 when he reached the mandatory retirement age for Superior Court judges. He was the Assignment Judge for the Morris/Sussex Vicinage for the last seventeen years of his judicial service. He is currently of counsel with the firm of Drinker Biddle & Reath in Florham Park.

Robert Holmes, Esq.

Mr. Holmes, of Perth Amboy, was admitted to the New Jersey Bar in 1971 and in New York in 1989. He was appointed to the Board in 2003, and is a Clinical Professor of Law, and Deputy Director of Clinical Programs at Rutgers Law School. Formerly a partner with the law firm of Wilentz, Goldman and Spitzer, he has served as an Assistant Commissioner and Acting Commissioner of the New Jersey Department of Community Affairs, and on the New Jersey State Planning Commission, the Board of the New Jersey Economic Development Authority, and the Board of the Perth Amboy Urban Enterprise Zone Development Corporation. He currently serves as Secretary of the Board of Legal Services of New Jersey.

OFFICE OF BOARD COUNSEL

At the start of 2004, the Office of Board Counsel was comprised of six attorneys, one information technology analyst, three administrative specialists, one technical assistant and five secretaries. At mid-year, one administrative specialist was reclassified as an administrative supervisor. In December, the Office of Board Counsel hired a new attorney to fill the vacancy created in 2003 by the retirement of a veteran attorney.

Since 1991, the Office of Board Counsel had furnished pre-hearing memoranda to the Board in serious disciplinary cases, motions for consent to discipline greater than an admonition, and those other matters (such as defaults) containing novel legal or factual issues. To provide greater assistance to the Board's case review function, this policy was modified. In mid 2003, the Office of Board Counsel began supplying the Board with pre-hearing memoranda on all matters scheduled for consideration, except motions for temporary suspension, typically within two weeks prior to each Board meeting. These in-depth memoranda set out the facts relevant to the issues raised, the applicable law, and a pertinent analysis of both, ultimately arriving at a recommendation for appropriate discipline based thereon.

CASELOAD INFORMATION

The DRB carried 147 matters docketed in 2003 into January 2004. See Figure 1. By December 31, 2004, all matters docketed during calendar year 2003 had been resolved. See Figure 2.

Of the 113 matters pending on December 31, 2004, sixteen, or 14%, were presentments; three, or 3%, were stipulations; fifteen (13%) were default cases; and seven (6%) were admonitions. Four additional matters, or 3%, consisted of pending motions for final discipline and motions for reciprocal discipline. Four consent cases (3%) were pending at the close of 2004. Fee and ethics appeals constituted 50% of the total pending caseload, or fifty-seven cases. The balance consisted of motions for temporary suspension, petitions for restoration to the practice of law, and matters brought pursuant to R. 1:20-6(c)(1), without a hearing below. See Figures 1 and 2.

During calendar year 2004, 463 matters were docketed for review by the Board, five more than the 458 docketed in 2003. Ethics appeals docketed by the Board increased slightly in 2004: 116 appeals were filed in 2004, and ninety-five in 2003. The number of fee appeals filed this year decreased: ninety-seven fee appeals were docketed in 2004, as compared to 139 fee appeals docketed in 2003. Twenty-seven admonition matters were docketed in 2004. See Figure 1.

Figures 3 and 4 provide a graphic representation of: (1) the pending Board caseload at the conclusion of 2004, in comparison to year-end caseloads for 2000 through 2004 (Figure 3), and (2) the cases disposed of by the Board in 2004, compared to dispositions in the previous four years (Figure 4). In all, the Board concluded 497 matters in 2004, seventy-one more than the 426 decided in 2003-- a 16% increase.

With the March 1, 1995 rule changes, the Court set specific time frames for disposition of matters at all levels of the disciplinary system. At the appellate level, pursuant to R. 1:20-8(c), recommendations for discipline in cases defined as minor misconduct are to be resolved within three months, while all other disciplinary matters have a six-month resolution requirement. See Figure 5.

In 2004, processing times improved or remained the same in all but two categories (motions for temporary suspension, and petitions for restoration) when compared to 2003 average processing times. However, in all categories but one, the Board met the time limits set by the Court Rule. Only the processing of fee appeals exceeded the specified three-month time frame, and that overage was less than one month (.8). See Figure 5.

CASELOAD INFORMATION: FIGURE 1

DRB ANNUAL ACTIVITY REPORT					
JANUARY 1, 2004 TO DECEMBER 31, 2004					
Case Type	Carried	Docketed	Total	Disposed	Pending
Motion for Medical Examination	0	1	1	1	0
Presentment	22	50	72	56	16
Stipulation	1	17	18	15	3
Admonition/Presentment	1	3	4	4	0
Motion for Final Discipline	6	6	12	9	3
Motion for Reciprocal Discipline	9	11	20	19	1
Default	20	72	92	77	15
Admonition	1	27	28	21	7
Consent to Admonition	3	6	9	7	2
Consent to Disbarment/Costs	0	9	9	9	0
Consent to Discipline	2	13	15	13	2
Ethics Appeal	29	116	145	118	27
Fee Appeal	49	97	146	116	30
Motion for Temporary Suspension	2	12	14	12	2
Petition for Restoration	0	18	18	16	2
Miscellaneous	2	2	4	4	0
R.1:20-6(c)(1)	0	3	3	0	3
Totals	147	463	610	497	113

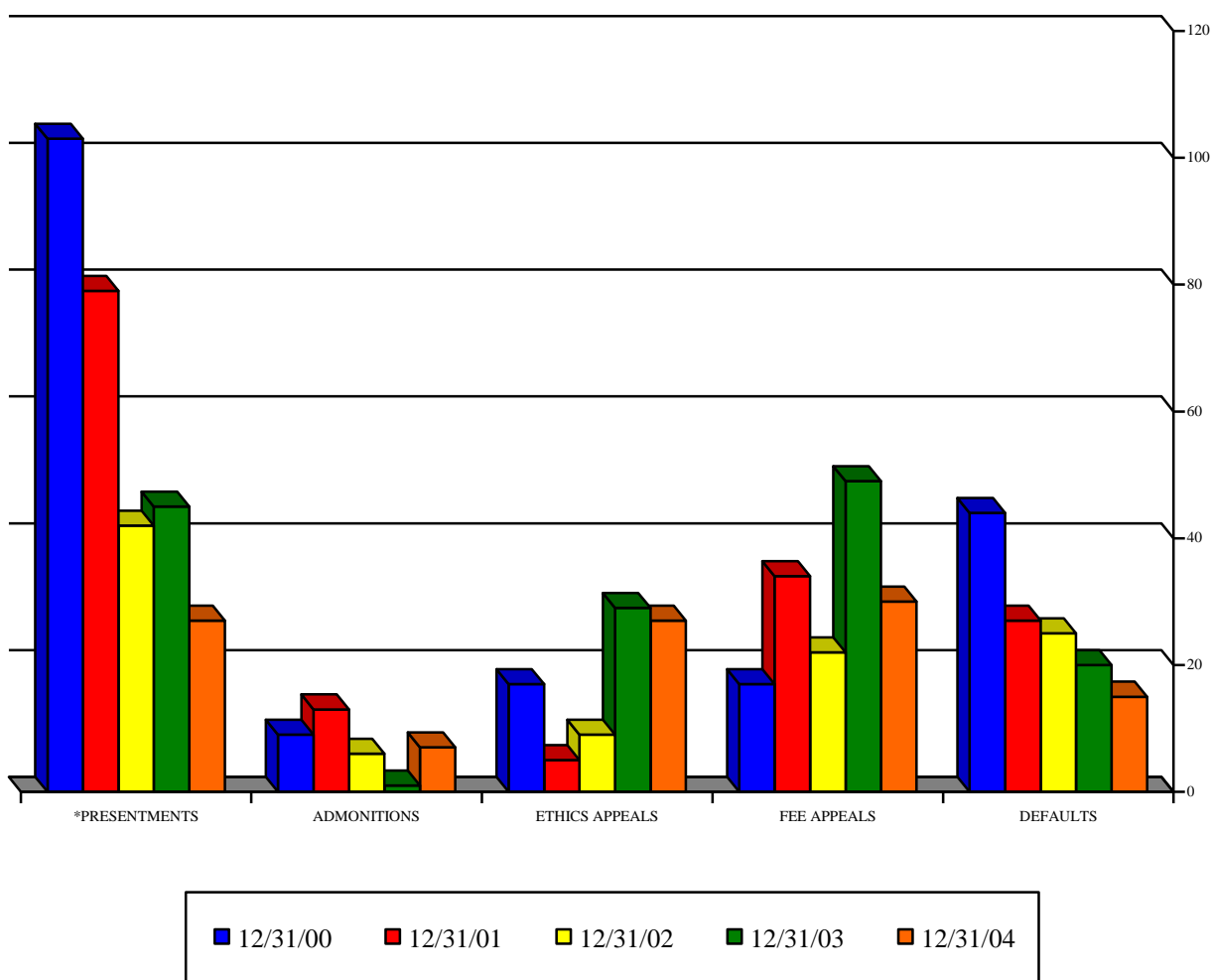
CASELOAD INFORMATION: FIGURE 2

AGE OF PENDING CASES – BY CASE TYPE AS OF DECEMBER 31, 2004				
Case Type	2004	2003	Prior	Total Pending
Presentment	16	0	0	16
Stipulation	3	0	0	3
Motion for Final Discipline	3	0	0	3
Motion for Reciprocal Discipline	1	0	0	1
Default	15	0	0	15
Admonition	7	0	0	7
Consent to Admonition	2	0	0	2
Consent to Discipline	2	0	0	2
Ethics Appeal	27	0	0	27
Fee Appeal	30	0	0	30
Motion for Temporary Suspension	2	0	0	2
Petition for Restoration	2	0	0	2
<u>R.</u> 1:20-6(c)(1)	3	0	0	3
Totals	113	0	0	113

CASELOAD INFORMATION: FIGURE 3

COMPARATIVE CASELOAD ANALYSIS

Pending from 12/31/2000 to 12/31/2004

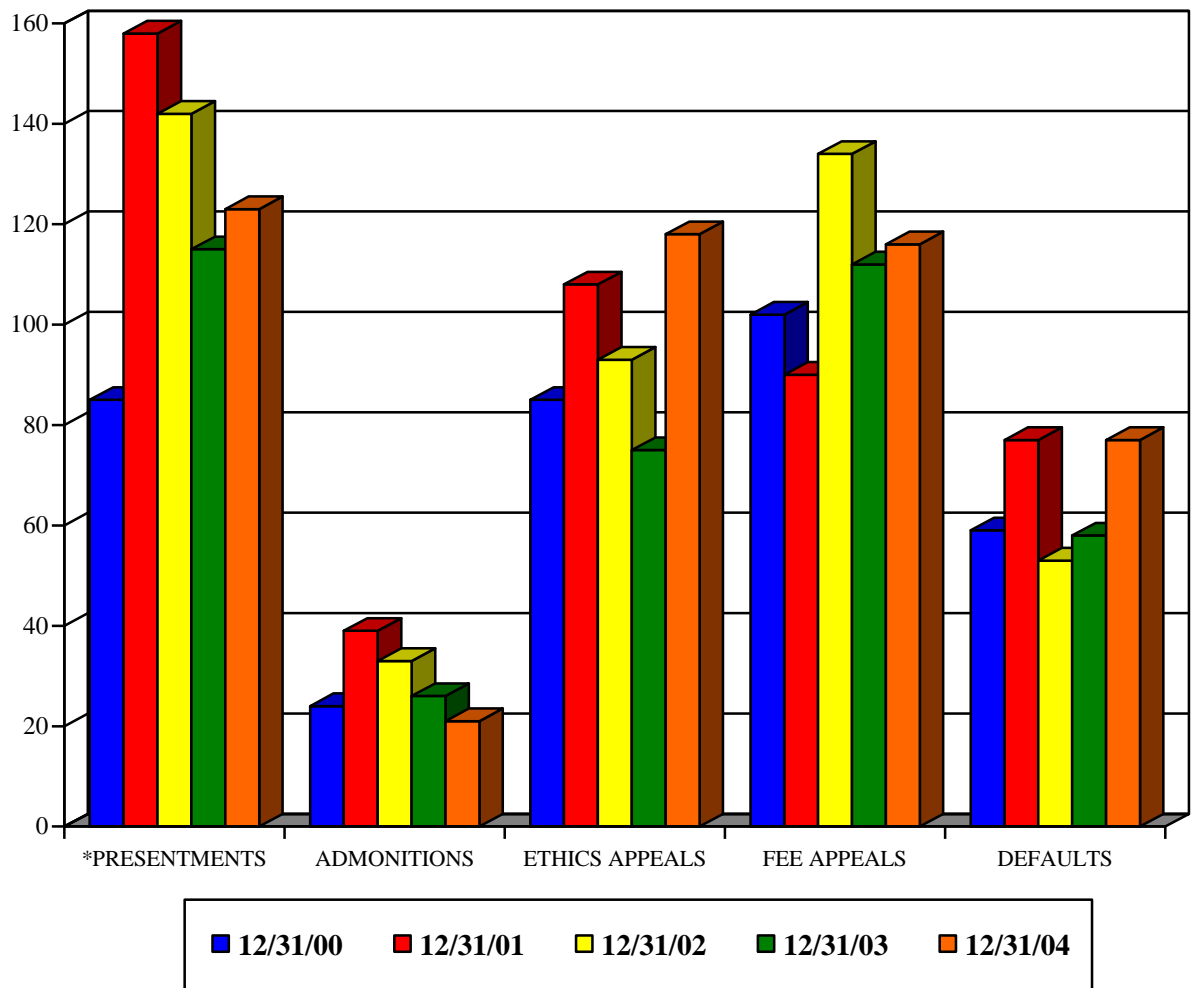


*Includes Presentments, Stipulations, Motions for Final Discipline, Motions for Reciprocal Discipline and Consents to Discipline.

CASELOAD INFORMATION: FIGURE 4

COMPARATIVE CASELOAD ANALYSIS

Disposed from 12/31/2000 to 12/31/2004



*Includes Presentments, Stipulations, Motions for Final Discipline, Motions for Reciprocal Discipline and Consents to Discipline.

CASELOAD INFORMATION: FIGURE 5

AVERAGE RESOLUTION TIMES FOR BOARD CASES <i>(in months)</i>										
R. 1:20-8(c)		1996	1997	1998	1999	2000	2001	2002	2003	2004
Discipline:										
Presentment	6	7.1	7.6	9.6	8.3	10.3	11.3	6.5	5.1	3.9
MFD	6	8.1	7.5	10	10.3	9.7	10	5.7	4.9	4.8
MRD	6	8.7	8.4	10.1	11.5	11.1	8.6	5.8	4.8	4
Defaults	6	5.8	8.3	9.47	8.9	9	8.6	5	4.2	3.2
Consents	3	2	2.3	3.8	3.1	3	4	3.9	2.7	1.9
Admonitions:										
Standard	3	2.33	3.7	2.86	2.9	4.1	4.4	2.7	3.1	2.4
By Consent	3	2.33	3.1	3.75	3.2	3.6	3.4	3	2.6	1.8
Presentment	6	10.8	7.4	10.6	10.7	9.9	7.2	6.8	4.8	4.4
Appeals:										
Ethics Appeals	3	2.78	3.16	4.04	3.1	3.7	2.6	3	2.9	2.8
Fee Appeals	3	3.29	2.9	4.15	3.4	3.5	4	2.9	3.8	3.8
Other:										
MTS	-	1.7	2.3	2.07	2	3.4	2.6	1.5	2.4	2.7
Petitions to Restore	-	1.8	1.7	1.45	1	1	1	1	1	1.6

BOARD ACTION

Appeals

The Board considered 234 appeals in 2004. Of the 118 ethics appeals reviewed in 2004, twenty cases (17%) were reversed and remanded by the Board to the district ethics committees for further action. The rate of remand on ethics appeals was higher than the 13% experienced in 2003.

The rate of remand for fee appeals was higher than for ethics appeals in 2004: of the 116 fee appeals reviewed, twenty-two cases, or approximately 19%, were remanded to the district fee arbitration committees. However, the rate of remand on fee appeals was lower than the 27% experienced in 2003. Although the reasons for fee remand varied, a majority resulted from procedural error at the district level, which included unclear determinations due to inadequate findings by the hearing panel, lack of adequate notice of the hearing, inappropriate denial of adjournment requests, and untimely attorney fee responses.

Admonitions

The Board considered thirty-nine matters involving admonitions in 2004. Of these, twenty-four resulted in letters of admonition, three were heard as presentments, three were dismissed, and two were remanded to the district ethics committee. Seven matters were docketed as motions for imposition of admonition by consent. One consent was administratively dismissed because it was not filed on time; the Board issued letters of admonition in the remaining six cases.

Other Public Discipline

In 2004, the Board disposed of seventy-five recommendations for public discipline (presentments, stipulations, and admonition-presentments), nineteen motions for reciprocal discipline, nine motions for final discipline, and thirteen motions for imposition of discipline by consent. Discipline was imposed in eight of the consent matters, one was remanded to the District Ethics Committee, and four motions were denied.

Of the seventy-seven defaults resolved by the Board, twelve were remanded to the district ethics committees and seven were administratively dismissed for a variety of reasons: three, because the attorney had been disbarred; two, due to improper service; one, after the OAE filed a request to withdraw; and one was returned to the OAE to remedy procedural deficiencies.

In 2004, the Office of Board Counsel transmitted 155 decisions to the Court in presentments, stipulations, admonition-presentments, motions for final discipline, motions for reciprocal discipline, and default matters.

Additional Board Action

The Board also reviewed and resolved twelve motions for temporary suspension, sixteen petitions for restoration, and four miscellaneous matters.

SUPREME COURT ACTION

A total of 155 attorneys were publicly disciplined in 2004.² See Appendix 1. Twenty-three of this number were admonished by the Board and one was admonished by Supreme Court order. The majority, 145 of the 155 sanctions, were the result of Board review and/or action. The Court accepted consents to disbarment in ten matters unrelated to Board cases. These matters are handled by Office of Board Counsel staff solely for the assessment and collection of court-ordered costs, pursuant to R. 1:20-17.

The Court issued final orders on 134 of the 155 Board discipline decisions transmitted to the Court in 2004. In twenty-three of the 134 Board decisions considered, the Court determined to impose different discipline. See Figure 7. The Court agreed with the Board's determination in 83% of the matters. Those cases where the Board and the Court diverged generally reflect differences in the degree of discipline, rather than differences as to factual or legal findings. In twenty of the 134 Board decisions considered, the Court determined to impose discipline greater than did the Board. Conversely, the Court determined to impose a lesser degree of discipline in one matter and dismissed two matters.

² This number includes admonitions issued by the Board without action by the Supreme Court.

SUPREME COURT ACTION: FIGURE 6

DISCIPLINE COMPARISON (2004) SUPREME COURT DISCIPLINE LESS THAN DRB DECISION		
ATTORNEY	DISCIPLINARY REVIEW BOARD DECISION	SUPREME COURT ACTION
Lawrence Capaci	Admonition	Dismiss
Anthony Magnotti	Reprimand	Dismiss
Moses Rambarran	Indeterminate suspension	3 year suspension

DISCIPLINE COMPARISON (2004) SUPREME COURT DISCIPLINE GREATER THAN DRB DECISION		
ATTORNEY	DISCIPLINARY REVIEW BOARD DECISION	SUPREME COURT ACTION
David Anton	3 month suspension	1 year suspension
Carolyn Arch	Reprimand	3 month suspension
Robert Burns	3 month suspension	3 year suspension
John DeLaurentis	3 month suspension	1 year suspension
John DeLaurentis	Reprimand	1 year suspension
Donald Devin	3 month suspension	Disbar
Kenneth Fink	2 year suspension	3 year suspension
Francis Gavin	6 month suspension	Disbar
Richard Girdler	3 month suspension	1 year suspension
Rupert Hall	Indefinite suspension	Disbar
Philip Kantor	6 month suspension	Disbar
Peter Katz	7 year suspension	Disbar
George Mandle	6 month suspension	1 year suspension
Elliott Moorman	1 year suspension	Disbar
Thomas Murray	Reprimand	3 month suspension
Paul Paskey	1 year suspension	Disbar
Paul Paskey	3 year suspension	Disbar
John Tunney	3 month suspension	6 month suspension
William Wolfson	3 month suspension	6 month suspension
Peter Wood	3 month suspension	1 year suspension

COLLECTION OF ADMINISTRATIVE COSTS

The Board uniformly assesses administrative costs in all discipline cases, including admonitions. The Court's final order of discipline generally includes a requirement that the respondent-attorney pay the administrative costs of the action to the Disciplinary Oversight Committee. Since the adoption of R. 1:20-17 in 1995, administrative costs have included a flat charge for basic administrative costs, ranging from \$500 to \$1,500 per case, plus disciplinary expenses actually incurred, such as payments made by the disciplinary system for transcripts, court reporters, file reproduction costs, and other out-of-pocket expenditures. Effective September 1, 2004, new administrative costs increased in range from \$650 to \$2,000.

Costs and, in certain cases, monetary sanctions, are assessed and collected by the Office of Board Counsel on behalf of the Disciplinary Oversight Committee. R. 1:20-17 provides various avenues of recourse where an attorney fails to pay assessed costs, including automatic temporary suspension and entry of judgment. By the end of 2004, the Office of Board Counsel was current with cost assessment in every case where assessment was Court ordered.

During calendar year 2004, the Office of Board Counsel received payments totaling \$248,115 in assessed costs. This was \$22,313 more than the 2003 amount of \$225,802. The higher receivable figure for 2004 was largely due to the effort that year to streamline, and therefore, expedite the collection process on all cases. In 2004, the Office of Board Counsel collected 42% of the amount of costs assessed that year, an increase of 8% over the collections for 2003.

The Office of Board Counsel filed seventy-nine judgments in 2004, and received payments totaling \$38,511 to either satisfy outstanding judgments, or as payments toward satisfying judgments.

CONCLUSION

During calendar year 2005, the Board will continue to make every reasonable effort to ensure that its caseload remains under control. The Board strives for the prompt and fair disposition of all matters before it in order to effectively serve the primary goals of the attorney disciplinary process-- protection of the public and maintenance of public confidence in the Bar.

APPENDIX I**FINAL PUBLIC DISCIPLINE***
(January 1, 2004-December 31, 2004)

*Based in part on the 2004 Quarterly Discipline Reports prepared by the Office of Attorney Ethics

ATTORNEY	ADMITTED	LOCATION	DECIDED	EFFECTIVE
Disbarment (20)				
Burrick, Robert	1993	Texas	10/6/2004	10/6/2004
Carbone, Russell J.	1980	New York	2/17/2004	1/27/2004
Devin, Donald B.	1969	Warren	9/28/2004	9/28/2004
Epstein, Charles S.	1985	Morris	9/13/2004	9/13/2004
Farr, Linus G. aka Farr, L. Gilbert	1977	Ocean	2/25/2004	2/25/2004
Gavin, Francis X.	1981	Warren	9/28/2004	9/28/2004
Gross, John P.	1975	Somerset	1/21/2004	1/21/2004
Hall, Rupert A., Jr.	1983	Burlington	9/28/2004	9/28/2004
Higginson, Terence Paul	1987	Somerset	9/13/2004	9/13/2004
Kantor, Philip L.	1990	Camden	6/24/2004	6/24/2004
Kidan, Adam Ronald	1989	New York	6/2/2004	6/2/2004
Lawrence, Marc S.	1994	New York	6/2/2004	6/2/2004
Magnotti, Anthony	1991	New York	10/13/2004	10/13/2004
Martino, Frank, III	1994	Camden	11/29/2004	11/29/2004
Moorman, Elliott D.	1977	Essex	9/14/2004	9/14/2004
Needle, Emanuel H.	1957	Essex	6/29/2004	6/29/2004
Paskey, Paul J.	1983	Hudson	9/14/2004	9/14/2004
Recchione, Louis J.	1980	Bergen	9/29/2004	9/29/2004
Richmond, Donald J.	1978	Gloucester	9/29/2004	9/29/2004
Treffinger, James	1976	Verona	10/13/2004	10/13/2004
Disbarment-By Consent (10)				
Beninson, Gary S.	1975	Ocean	6/28/2004	6/28/2004
Caro, Michael S.	1987	Bergen	3/19/2004	3/19/2004
Dare, Paul W.	1975	Cape May	4/19/2004	4/19/2004
Gallo, Stephen A.	1993	Bergen	9/8/2004	9/8/2004
Itkin, Scott Elliott	1987	Florida	7/15/2004	7/15/2004
Katz, Peter L.	1990	Union	10/7/2004	10/7/2004
Miller, Steven F.	1983	Essex	2/13/2004	2/13/2004
Pizzi, Richard A.	1972	Union	6/23/2004	6/23/2004
Young, George Guyer, III	1988	Pennsylvania	7/20/2004	7/20/2004
Zotkow, Barry F.	1971	Bergen	10/26/2004	10/26/2004

FINAL PUBLIC DISCIPLINE
(January 1, 2004-December 31, 2004)

ATTORNEY	ADMITTED	LOCATION	DECIDED	EFFECTIVE
3 Month Suspension (28)				
Adelle, Patricia	1993	Passaic	10/13/2004	10/13/2004
Anastasio, John J.	1981	Florida	1/27/2004	2/27/2004
Arch, Carolyn E.	1965	Essex	1/5/2004	1/5/2004
Arch, Carolyn E.	1965	Essex	9/21/2004	2/5/2004
Battaglia, Philip J.	1981	Monmouth	4/22/2004	6/19/2002
Bowman, E. Edward	1984	Cumberland	4/22/2004	5/18/2004
aka Bowman, Elmer Edward				
Brecker, Mark L.	1977	New York	6/29/2004	6/29/2004
DeLaCarrera, Antonio M.	1974	Passaic	9/8/2004	9/8/2004
Dupre, Barbara H.	1980	Atlantic	4/22/2004	4/22/2004
Dykstra, Paul	1974	Bergen	10/4/2004	10/4/2004
Evans, John	1984	Burlington	10/4/2004	10/4/2004
Fisher, Robert S.	1988	Camden	7/8/2004	8/2/2004
Giorgi, John N.	1988	Union	7/22/2004	8/18/2004
Girdler, Richard B.	1972	Morris	3/29/2004	3/29/2004
Gross, Howard A.	1992	Camden	5/4/2004	6/1/2004
Henry, James P.	1967	Monmouth	2/25/2004	3/22/2004
Horowitz, Barry W.	1986	Middlesex	7/22/2004	7/22/2004
Kozlowski, Theodore F.	1978	Morris	9/13/2004	10/13/2004
McLoughlin, John J., Jr.	1986	Ocean	3/23/2004	4/26/2004
Mandel, Samuel	1968	Burlington	4/21/2004	5/24/2004
Milita, Vincent J., II	1980	Cape May	5/19/2004	6/15/2004
Murray, Thomas M., Jr.	1971	Bergen	3/2/2004	3/2/2004
Nemschick, Robert	1994	Middlesex	6/29/2004	6/29/2004
Nwaka, Anthony C.	1992	Essex	2/25/2004	2/25/2004
Raines, Richard	1977	Pennsylvania	10/19/2004	10/19/2004
Rosenthal, Richard L.	1965	Morris	9/28/2004	5/15/2004
Schubach, Richard P.	1983	Somerset	2/25/2004	3/22/2004
Vella, Kathleen M.	1986	Atlantic	6/15/2004	7/16/2004
6 Month Suspension (11)				
Alexion, Arthur S.	1985	Pennsylvania	9/21/2004	9/21/2004
Bevacqua, Vincent E.	1990	Essex	5/19/2004	6/15/2004
Cubberley, Mark D.	1984	Mercer	4/22/2004	12/9/2003
Dranov, Alexander B.	1986	Bergen	4/22/2004	4/22/2004
Friedmann, Aaron S.	1983	Camden	9/21/2004	10/21/2004
Glynn, Kenneth P.	1977	Hunterdon	6/15/2004	7/12/2004
McClure, Larry J.	1971	Bergen	6/2/2004	5/21/2003
Saidel, Scott F.	1993	Florida	7/8/2004	3/1/2001
Tunney, John A.	1988	Middlesex	9/28/2004	10/29/2004
Wiss, Scott L.	1991	New York	9/8/2004	3/1/2004
Wolfson, William S.	1976	Hunterdon	2/19/2004	3/20/2004

FINAL PUBLIC DISCIPLINE
(January 1, 2004-December 31, 2004)

ATTORNEY	ADMITTED	LOCATION	DECIDED	EFFECTIVE
12 Month Suspension (10)				
Anton, David	1981	California	11/30/2004	11/30/2004
DeLaurentis, John (2 matters)	1980	Camden	11/22/2004	11/22/2004
Girdler, Richard	1972	Morris	11/22/2004	11/22/2004
King, Sherry	1980	Essex	10/13/2004	10/13/2004
Mandle, George J., Jr.	1970	Union	6/2/2004	6/2/2004
Morell, Philip M.	1988	New York	6/2/2004	8/8/2003
Simmonds, James V.	1983	New York	6/29/2004	10/22/2003
Thomas, Richard R., II	1996	Essex	9/28/2004	10/29/2004
Wood, Peter	1993	Gloucester	11/16/2004	11/16/2004
Other Suspension (9)				
Bolno, Susan Bell-24 mo.	1988	Pennsylvania	3/9/2004	4/6/2003
Burns, Robert J.-36 mo.	1990	Somerset	9/13/2004	9/18/2002
David, Earl S.-15 mo.	1988	Monmouth	9/21/2004	10/20/2004
Fink, Kenneth-36 mo.	1987	Delaware	10/13/2004	10/13/2004
Jordan, Edgar E., III-24 mo.	1990	New York	9/8/2004	9/8/2004
Kirnan, Matthew J.-18 mo.	1986	Essex	9/21/2004	6/3/2003
McManus, William E.-24 mo.	1982	Sussex	4/22/2004	12/10/2002
Noce, Philip S.-36 mo.	1972	Bergen	5/4/2004	7/25/2002
Rambarran, Moses-36 mo.	1992	New York	9/28/2004	9/28/2004
Reprimand (43)				
Bolden and Coker, P.C.		Pennsylvania	1/27/2004	1/27/2004
Barone, Nicholas	1984	Passaic	7/19/2004	7/19/2004
Barth, Robert	1995	Camden	10/19/2004	10/19/2004
Becker, Richard B.	1992	Middlesex	9/8/2004	9/8/2004
Beran, Barry	1981	Camden	10/19/2004	10/19/2004
Block, Michael L.	1990	Burlington	9/8/2004	9/8/2004
Bluitt, Hollistyne C.	1984	Essex	9/8/2004	9/8/2004
Daniel, Cornelius W., III	1969	Ocean	6/2/2004	6/2/2004
Delaney, Edward C.	1987	Middlesex	7/22/2004	7/22/2004
Devaney, Nicole	1997	Monmouth	9/8/2004	9/8/2004
Finkelstein, Terry J.	1985	Middlesex	7/22/2004	7/22/2004
Hediger, Daniel D.	1995	Bergen	4/22/2004	4/22/2004
Kane, Harry J., Jr.	1989	Morris	1/13/2004	1/13/2004
Kearns, Steven T.	1982	Bergen	5/4/2004	5/4/2004
Kozlowski, Theodore F.	1978	Morris	9/13/2004	9/13/2004
Kozlowski, Theodore F.	1978	Morris	1/27/2004	1/27/2004
Leff, Kenneth	1981	Middlesex	10/4/2004	10/4/2004
McBride, Bernard J., Jr.	1990	Essex	9/8/2004	9/8/2004
McLaughlin, Michael A., Sr.	1999	Union	3/9/2004	3/9/2004
McNamara, Elizabeth T.	1983	Hudson	4/8/2004	4/8/2004
Magee, Mark E.	1986	Monmouth	6/29/2004	6/29/2004
Mayzel, Isabella	1997	Union	7/2/2004	7/2/2004

FINAL PUBLIC DISCIPLINE
(January 1, 2004-December 31, 2004)

ATTORNEY	ADMITTED	LOCATION	DECIDED	EFFECTIVE
Reprimand (continued)				
Mele, Michael A.	1987	Bergen	2/10/2004	2/10/2004
Moore, Patrick	1989	Camden	10/4/2004	10/4/2004
Murphy, Philip F.	1971	Union	9/21/2004	9/21/2004
Nealy, Walter D.	1984	Bergen	7/22/2004	7/22/2004
Nelson, Ronald J.	1969	Somerset	9/21/2004	9/21/2004
Nielsen, Jeffry F.	1990	Essex	6/29/2004	6/29/2004
Pemberton, Christian	1987	Camden	10/27/2004	10/27/2004
Perrella, Nicholas R.	1983	Mercer	5/4/2004	5/4/2004
Pierce, Deborah A.	1994	Union	9/8/2004	9/8/2004
Regojo, Fernando	1981	Hudson	7/22/2004	7/22/2004
Riedl, Jeffrey M.	1973	Bergen	5/4/2004	5/4/2004
Saint-Preux, Jonathan	1992	Essex	10/4/2004	10/4/2004
Schuetz, Rolf C., Jr.	1991	Passaic	7/14/2004	7/14/2004
Scinto, Michael R.	1992	Virginia	9/8/2004	9/8/2004
Silverman, Robert M.	1990	Camden	2/10/2004	2/10/2004
Solomon, Brian D.	1992	New York	3/23/2004	3/23/2004
Soriano, William J.	1975	Essex	1/13/2004	1/13/2004
Spector, Brian D.	1982	Morris	1/13/2004	1/13/2004
Van DeCastle, Mary Lorene	1984	Somerset	5/19/2004	5/19/2004
Vasak, Stephen J.	1971	Bergen	9/21/2004	9/21/2004
Wiewiorka, Edward A.	1980	Essex	3/23/2004	3/23/2004
Admonition (24)				
Capron, Thomas	1981	Monmouth	10/25/2004	10/25/2004
Cohen, Richard J.	1989	Camden	7/16/2004	7/16/2004
D'Arienzo, Marc	1993	Union	12/10/2004	12/10/2004
Finkelstein, Terry J.	1985	Middlesex	2/6/2004	2/6/2004
Fishman, Samuel	1996	Camden	6/22/2004	6/22/2004
Fleming-Sawyer, Carolyn J.	1989	Morris	3/23/2004	3/23/2004
Fletcher, Stephen K.	1980	Morris	4/16/2004	4/16/2004
Freeman, Brian Clifford	1983	Essex	9/24/2004	9/24/2004
Garbin, Gladys J.M.	1989	Passaic	2/17/2004	2/17/2004
Gross, Howard (2 matters)	1992	Camden	5/5/2004	5/5/2004
Heit, Ellan A.	1989	Bergen	5/24/2004	5/24/2004
Kokes, A. Harold	1991	Cape May	4/16/2004	4/16/2004
Oliver, William H.	1972	Monmouth	7/16/2004	7/16/2004
Ortelere, Douglas F.	1983	Bergen	2/11/2004	2/11/2004
Pomper, Neal	1982	Middlesex	9/28/2004	9/28/2004
Robbins, Spencer	1981	Middlesex	11/19/2004	11/19/2004
Saint-Preux, Jonathan	1992	Essex	7/19/2004	7/19/2004
Santiago, Stuart K.	1987	Union	3/19/2004	3/19/2004
Shannon, Kevin R.	1994	Atlantic	6/22/2004	6/22/2004
Stahl, William N.	1983	Essex	6/22/2004	6/22/2004
Thakker, Jeff Edward	1995	Monmouth	9/24/2004	9/24/2004
Wulfman, Andrew S.	1987	Essex	2/17/2004	2/17/2004
Zander, Ben	1982	Burlington	5/24/2004	5/24/2004

TEMPORARY DISCIPLINE
(January 1, 2004-December 31, 2004)

ATTORNEY	ADMITTED	LOCATION	DECIDED	EFFECTIVE
Motions for Temporary Suspension (23)				
Abraha, Ande R.	1993	Essex	5/7/2004	5/7/2004
Anderson, Rhonda M.	1998	Pennsylvania	9/8/2004	9/8/2004
Barry, Joseph M.	1965	Hudson	9/7/2004	9/7/2004
Block, Michael Lee	1990	Burlington	4/19/2004	4/19/2004
D'Andrea, Joseph R.	1987	Pennsylvania	5/7/2004	5/7/2004
Grossman, David B.	1987	New York	4/8/2004	4/8/2004
Jimenez, Fernando J.	1999	Hudson	9/7/2004	9/7/2004
Johnson, Patricia	1990	New York	4/26/2004	4/26/2004
Kushner, Charles B.	1980	Essex	9/15/2004	9/15/2004
Landfield, Stephen	1984	Morris	5/19/2004	6/18/2004
Landfield, Stephen	1984	Morris	9/27/2004	9/27/2004
Lichtenstein, Jeffrey P.	1980	Middlesex	3/2/2004	3/2/2004
McKenna, Edward J.	1990	Monmouth	4/22/2004	4/22/2004
Martino, Frank, III	1994	Camden	2/25/2004	2/25/2004
Monahan, Francis R., Jr.	1990	Hudson	3/2/2004	3/2/2004
Musto, Victor M.	1983	Monmouth	6/29/2004	6/29/2004
Richmond, Donald J.	1978	Pennsylvania	4/26/2004	4/26/2004
Scoon, Michael C.	1996	Essex	4/22/2004	4/22/2004
Singer, Mitchell L.	1990	Morris	7/22/2004	7/22/2004
Smith, Stanley G.	1970	Union	8/4/2004	8/4/2004
Weiner, A. Kenneth	1970	Middlesex	7/22/2004	7/22/2004
Wonski, Louann K.	1992	Middlesex	1/13/2004	1/13/2004
Wyskowski, Barbara J.	1993	Union	7/20/2004	8/23/2004

REINSTATEMENTS
(January 1, 2004-December 31, 2004)

ATTORNEY	SUSPENSION DATE	LOCATION	DECIDED	EFFECTIVE
Cheek, Russell G.	12/29/2003	Ocean	4/21/2004	4/21/2004
Fishman, Yale M.	8/30/2002	Union	9/2/2004	9/2/2004
Giorgi, John N.	8/18/2004	Union	11/29/2004	11/29/2004
Kennedy, James W.	10/13/2003	Ocean	5/4/2004	5/4/2004
Kress, Richard	7/10/2003	Union	10/28/2004	10/28/2004
Maffongelli, Joseph A.	8/1/2003	Essex	9/3/2004	9/3/2004
Mandel, Samuel	5/24/2004	Burlington	9/29/2004	9/29/2004
Milita, Vincent J.	6/15/2004	Ocean	10/28/2004	10/28/2004
Rosanelli, Donald S.	6/22/2003	Essex	3/26/2004	3/26/2004
Schubach, Richard P.	3/23/2004	Somerset	6/23/2004	6/23/2004
Vella, Kathleen M.	6/15/2004	Burlington	10/28/2004	10/28/2004
Wiss, Scott L.	9/8/2004	New York	11/29/2004	11/29/2004
Wolfson, William S.	3/20/2004	Hunterdon	9/29/2004	9/29/2004

TOTALS
(January 1, 2004-December 31, 2004)

TOTAL FINAL DISCIPLINE.....	155
TOTAL TEMPORARY DISCIPLINE.....	23
TOTAL REINSTATEMENTS.....	13

APPENDIX II

ADMONITION REPORT 2004

ATTORNEY	DOCKET #	DATE
Thomas S. Capron	04-294	October 25, 2004
Respondent violated <u>RPC</u> 1.1(a) when he represented to his client in a mortgage refinance that the prior mortgage would be discharged of record, but respondent took no action in that regard.		
Richard J. Cohen	04-209	July 16, 2004
From September 2000 to May 2002, respondent practiced law in New Jersey despite being ineligible to do so for failure to pay the annual assessment to the New Jersey Lawyers' Fund for Client Protection, in violation of <u>RPC</u> 5.5(a).		
Marc D'Arienzo	04-151	December 10, 2004
Respondent was charged with possession of marijuana and possession of drug paraphernalia and was granted a conditional discharge, with a one-year term. Respondent violated <u>RPC</u> 8.4(b).		
Terry J. Finkelstein	03-420	February 6, 2004
In his representation of a client in connection with an automobile accident, respondent violated <u>RPC</u> 1.1(a), <u>RPC</u> 1.3, and <u>RPC</u> 1.4(a), by failing to provide the client with a retainer agreement, not replying to discovery requests, failing to send the appropriate releases to the insurance carrier, and failing to provide information about the status of the matter.		
Samuel Fishman	04-142	June 22, 2004
From September 1997 through August 2002, respondent was ineligible to practice law in New Jersey for failure to pay the annual assessment to the New Jersey Lawyers' Fund for Client Protection. Respondent practiced law during this time in violation of <u>RPC</u> 5.5(a). In addition, respondent failed to maintain a trust and business account in New Jersey, as required by <u>R.</u> 1:21-6 and in violation of <u>RPC</u> 1.15(d).		
Carolyn J. Fleming-Sawyer	04-017	March 23, 2004
In representing clients in the purchase of real estate, respondent did not record the deed until one year after the closing and did not provide the clients with copies of the closing documents until one and a half years following the closing, in violation of <u>RPC</u> 1.1(a) and <u>RPC</u> 1.3. Respondent also failed to comply with the client's request for information about the matter, in violation of <u>RPC</u> 1.4(a). In another matter, respondent also did not keep complete records of a client's receipts and expenditures, did not preserve them for a period of seven years, and collected a real estate commission upon selling the client's house, violations of <u>RPC</u> 1.15(a), <u>RPC</u> 1.15(d), and <u>RPC</u> 1.7(b).		
Stephen K. Fletcher	04-077	April 16, 2004
Respondent failed to keep his client informed of the status of a real estate closing. Respondent also did not forward the net proceeds of the transaction to his client in a timely fashion. This conduct was in violation of <u>RPC</u> 1.4(a) and <u>RPC</u> 1.1(a).		

APPENDIX II

ADMONITION REPORT 2004 (continued)

ATTORNEY	DOCKET #	DATE
Brian C. Freeman	04-257	September 24, 2004
Respondent was retained by the ex-husband of a paralegal in his office in a legal malpractice action. Respondent's failure to properly supervise the paralegal resulted in her signing the client's name on the retainer agreement, on a release, on a \$1,000 settlement check, on another release, and on a \$2,771 settlement check. The paralegal kept the entire proceeds, allegedly with the client's permission. The client denied giving his consent to the paralegal's actions in both matters. Respondent violated <u>RPC</u> 5.3(a), and <u>RPC</u> 5.3(b).		
Gladys J. M. Garbin	03-434	February 18, 2004
Respondent failed to comply with the conditions of an agreement in lieu of discipline, in violation of <u>RPC</u> 8.1(b). In addition, in a real estate closing, respondent failed to supervise an employee to ensure the timely payment of the title insurance fee, and recording of the deed, the mortgage, and an assignment of leases and rents, in violation of <u>RPC</u> 5.3(a) and <u>RPC</u> 5.3(b). In another real estate matter, respondent failed to memorialize the client's consent to the release of escrow funds and to document certain events, in violation of <u>RPC</u> 1.3 and <u>RPC</u> 1.4(b).		
Howard Gross	04-058, 04-059	May 5, 2004
In representing a client in a claim for injuries sustained in an automobile accident, respondent exhibited gross neglect and lack of diligence, in violation of <u>RPC</u> 1.1(a) and <u>RPC</u> 1.3. In addition, respondent failed to communicate with the client and failed to explain the matter to the extent necessary to permit the client to make informed decisions about the representation, in violation of <u>RPC</u> 1.4(a) and (b). In another matter, respondent failed to abide by an agreement in lieu of discipline, causing a complaint to be issued, alleging lack of diligence in the underlying matter. The Board found a violation of <u>RPC</u> 1.3 in that matter. Respondent was also in violation of <u>RPC</u> 5.5(a) for practicing law while ineligible to do so for failing to pay the 2002 annual assessment to the New Jersey Lawyers' Fund for Client Protection.		
Ellan A. Heit	04-138	May 24, 2004
Respondent accepted a referral from a New York attorney of a matrimonial matter. It was not until the client reached the body of the retainer agreement that she realized that she had retained the respondent's law firm and not that of the New York attorney. Neither the retainer agreement nor the letterhead listed respondent's of counsel status to the New York attorney's firm. This conduct was a violation of <u>RPC</u> 7.1(a)(1) and <u>RPC</u> 7.5(a). Furthermore, respondent violated <u>RPC</u> 1.5(e) when she shared the fee with the New York attorney, since she did not perform any work on the matter or assume joint responsibility for the representation, with the client's consent.		

APPENDIX II
ADMONITION REPORT 2004 (continued)

ATTORNEY	DOCKET #	DATE
A. Harold Kokes	04-060	April 16, 2004
In a matter where respondent represented a client who was criminally indicted, respondent introduced the client's girlfriend (the mother of one of the alleged victims) to a private investigator for the purpose of tape recording her interview with the assistant prosecutor and investigator in the case. Respondent's role in the taping incident was confined to putting the client's girlfriend and private investigator together, however, when questioned by the court, respondent did not immediately disclose the extent of his involvement, in violation of <u>RPC</u> 3.3(a)(5).		
William H. Oliver, Jr.	04-211	July 16, 2004
In connection with a personal bankruptcy case, respondent failed to enter the postponed date of a sheriff's sale of the client's house in his office diary. As a result, the sale proceeded without any action by respondent. In addition, respondent did not notify the client of the rescheduled date and failed to keep the client apprised of other developments in the matter, including that the sale had taken place. Respondent violated <u>RPC</u> 1.4(a).		
Douglas F. Ortelere	03-377	February 11, 2004
Respondent failed to communicate with a client in a personal injury matter and to promptly disburse funds to which the client was entitled, in violation of <u>RPC</u> 1.4(a) and <u>RPC</u> 1.15(b). In addition, between 1990 and 2001, respondent was placed on the New Jersey Supreme Court's ineligible list of attorneys for failure to pay the annual assessment to the New Jersey Lawyers' Fund for Client Protection, for periods of ineligibility that ranged from one day to eleven months, during one of which respondent filed the complaint in this matter, in violation of <u>RPC</u> 5.5(a).		
Neal M. Pomper	04-216	September 28, 2004
In his representation in a post-judgment matrimonial matter, respondent failed to prepare a written fee agreement, in violation of <u>RPC</u> 1.5(b) and <u>Rule</u> 5:3-5. Respondent also agreed to share the legal fees with a New York attorney without informing his client, in violation of <u>RPC</u> 1.5(e).		
Spencer B. Robbins	04-339	November 19, 2004
Respondent failed to timely comply with the committee's investigator's requests for information about a grievance filed against him, failed to timely return a signed agreement in lieu of discipline, and failed to file a timely, verified answer to the formal ethics complaint. Respondent's conduct was in violation of <u>RPC</u> 8.1(b).		
Jonathan Saint-Preux	04-174	July 19, 2004
In his client's application for political asylum, respondent failed to appear at a hearing causing the immigration court to enter an order in absentia for the client's deportation. In another matter, respondent was granted telephonic participation in a hearing, but neither respondent nor his client appeared, causing the judge to enter an order for the client's deportation. The client was advised to report to the Immigration and Naturalization Service, but respondent did not advise the client of this until the day after the client was ordered to report. Respondent filed a motion to reopen the case but did not send the client a copy of the motion, which was denied. Respondent violated <u>RPC</u> 1.3 and <u>RPC</u> 1.4(a) in these matters.		

APPENDIX II

ADMONITION REPORT 2004 (continued)

ATTORNEY	DOCKET #	DATE
Stuart K. Santiago	04-056	March 19, 2004
Respondent did not prepare a written fee agreement in connection with two of four lawsuits he handled for members of a family, in violation of <u>RPC</u> 1.5(c). In addition, respondent made disbursements in excess of funds on deposit for the family because of a bookkeeping error. Respondent did not reconcile his trust account records for a period of six years. Respondent violated <u>Rule</u> 1:21-6 and <u>RPC</u> 1.15(d).		
Kevin R. Shannon	04-152	June 22, 2004
Respondent failed to cooperate with the District VIII Ethics Committee by not promptly replying to its request for information about a grievance that was ultimately dismissed, in violation of <u>RPC</u> 8.1(b).		
William N. Stahl	04-166	June 22, 2004
Respondent practiced law while ineligible for failure to pay the annual assessment to the New Jersey Lawyers' Fund for Client Protection, in violation of <u>RPC</u> 5.5(a). In addition, respondent failed to maintain a business and a trust account in New Jersey, in violation of <u>R.</u> 1:21-6 and <u>RPC</u> 1.15(d).		
Jeffrey E. Thakker	04-258	October 7, 2004
Although respondent practiced law in New Jersey, he failed to maintain a trust account, as required by <u>R.</u> 1:21-6(a)(1), and in violation of <u>RPC</u> 1.15(d).		
Andrew S. Wulfman	03-456	February 17, 2004
Respondent practiced law in New Jersey for a period of three months, despite being on the Supreme Court's ineligible list of attorneys for failure to pay the annual assessment to the New Jersey Lawyers' Fund for Client Protection, in violation of <u>RPC</u> 5.5(a).		
Ben Zander	04-133	May 24, 2004
In a trademark application matter, respondent failed to meet his obligation to represent the client's interests promptly and responsibly, causing the United States Patent and Trademark Office to deem the application abandoned for failure to act. When the client attempted to obtain a status update of the matter, respondent failed to comply with the requests for information. After the ethics authorities were contacted, respondent assured both the client and the district ethics committee that he would complete the application process, yet he again allowed the application to be deemed abandoned. Respondent's conduct was a violation of <u>RPC</u> 1.1(a), <u>RPC</u> 1.3, and <u>RPC</u> 1.4(a).		