

# 2013 STATE OF THE ATTORNEY DISCIPLINARY SYSTEM REPORT

---



**Hon. Stuart Rabner**  
Chief Justice  
Supreme Court of New Jersey

**Charles Centinaro**  
Director  
Office of Attorney Ethics

# OFFICE OF ATTORNEY ETHICS



## SUPREME COURT OF NEW JERSEY

CHARLES CENTINARO  
*Director*

OFFICE OF DIRECTOR

P.O. BOX 963  
TRENTON, NEW JERSEY 08625  
Phone: 609-530-4008

June 30, 2014

**TO: THE HONORABLE CHIEF JUSTICE STUART RABNER AND  
ASSOCIATE JUSTICES OF THE NEW JERSEY SUPREME COURT**

It is my pleasure and privilege to present, on behalf of the New Jersey Office of Attorney Ethics, this thirtieth issue of the State of the Attorney Disciplinary System Report. Highlights of the report include:

- Almost five percent fewer attorneys were disciplined this year (170) than last year (179).
- New investigations decreased by .7% (1,340) from last year's filings (1,349).
- New formal complaints (and other charging documents) decreased by over five percent (225) compared to last year (238).
- OAE's investigative time goal compliance decreased slightly, from 84% for 2012 to 83% for 2013.
- District Ethics Committees' time goal compliance for 2013 remained at 78%, the same as 2012.
- OAE ethics counsel appeared before the Supreme Court in 18 cases for oral argument this year.
- District Fee Arbitration Committees arbitrated or settled cases totaling close to \$11.3 million in legal fees.
- The Random Audit Program conducted 384 audits of law firms in 2013.
- Four lawyers were disciplined (including two disbarments by consent) through the detection efforts of the Random Audit Program.
- As of December 31, 2013, the attorney population was 93,757 – one attorney for every 95 New Jersey citizens.
- The Garden State ranks 5<sup>th</sup> in the nation in the number of attorneys admitted to practice.
- New Jersey ranks 43<sup>rd</sup> in the country (at \$199) in annual attorney licensing fees charged.

- Four lawyers were disciplined in 2013 due to the Trust Overdraft Notification Program.

These highlights demonstrate the Office of Attorney Ethics' continued commitment to preserving public confidence in our attorney disciplinary and fee arbitration systems.

Respectfully submitted,

A handwritten signature in cursive script that reads "Charles Centinaro".

Charles Centinaro, Director  
Office of Attorney Ethics

## TABLE OF CONTENTS

		<u>Page</u>
I.	The Year in Review	
	A. Case Processing .....	1
	B. 4 <sup>th</sup> Annual OAE Training Conference.....	2
	C. Discipline .....	2
II.	Attorney Disciplinary Process and Procedure	
	A. Grievances .....	3
	B. Investigations .....	3
	C. Complaints .....	5
	D. Hearings .....	5
III.	Sanctions	
	A. Types of Disciplinary Sanctions.....	7
	B. Final Discipline .....	7
	C. Emergent Action .....	8
	D. Total Discipline.....	9
IV.	Grounds for Final Discipline	
	A. Dishonesty, Fraud, Deceit and Misrepresentation .....	14
	B. Gross and Patterned Neglect .....	14
	C. Other Money Offenses .....	14
	D. Knowing Misappropriation .....	14
	E. Conflict of Interest .....	15
	F. Non-Cooperation with Ethics Authorities.....	15
	G. Criminal Convictions .....	15
	H. Fees.....	15
	I. Ineligible Practicing Law .....	15
	J. Lack of Communication .....	16
	K. Administration of Justice .....	16
V.	Other Related Actions	
	A. Disability-Inactive Status .....	28
	B. Bar Admissions / Contempt .....	28
	C. Diversions .....	28
	D. Reinstatement Proceedings .....	29
	E. Monitored Attorneys .....	29
VI.	Disciplinary Structure	
	A. District Ethics Committees.....	31
	B. Disciplinary Review Board .....	33
	C. Supreme Court of New Jersey.....	34
	D. Financing Attorney Discipline .....	34
	E. Office of Attorney Ethics .....	35
VII.	Attorney Fee Arbitration	
	A. History and Purpose .....	38
	B. Administration.....	38
	C. Structure .....	38
	D. Annual Caseload.....	41
	E. Nature of Cases .....	43
	F. Enforcement .....	43

	<u>Page</u>
VIII. Random Audit Program	
A. Purpose .....	44
B. Administration.....	45
C. Randomness and Selection.....	45
D. Standards for Accounting .....	45
E. Auditing Procedures .....	45
F. Compliance Through Education.....	46
G. Disciplinary Actions .....	46
IX. Attorney Registration	
A. Attorney Population .....	48
B. Admissions .....	48
C. Attorney Age .....	49
D. Other Admissions .....	50
E. Private Practice .....	51

## TABLE OF FIGURES

<u>FIGURE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1	Changes in Investigations	4
2	Lawyer-Grievance Analysis	4
3	Changes in Complaints	5
4	Five-Year Sanction Trend	9
5	Yearly Discipline Report	10
6	Disciplinary Summaries	17
7	Attorney Disciplinary System	31
8	2013-2014 District Ethics Committee Officers	32
9	2013-2014 District Fee Committee Officers	39
10	Changes in Fee Disputes	41
11	2013 RAP Sanctions	46
12	Attorneys Admitted	48
13	Year Admitted	49
14	Attorney Age Groups	50
15	Other Admissions	50
16	Admissions in Other Jurisdictions	51
17	Private Practice of New Jersey Law	52
18	Private Firm Structure	52
19	Private Firm Size	53
20	Number of Law Firms	53
21	New Jersey Bona Fide Offices	54
22	New Jersey Bona Fide Private Office Locations	54

## **I. THE YEAR IN REVIEW**

### **A. CASE PROCESSING**

To ensure swift justice and efficiency, the Supreme Court has established time goals for the thorough and fair completion of all disciplinary investigations and hearings. *R.1:20-8*.

#### *1. Investigations*

##### **a. Time Goal Compliance**

For the first time in five years, the OAE's compliance with the Supreme Court's time goals for investigating cases decreased, but only slightly. The OAE's time goal compliance decreased from a yearly average of 84% to 83%. The Ethics Committees' average time goal compliance for the year remained at 78%, the same as for 2012.

##### **b. Reduction in Age of Investigations**

For the fifth year in a row, the OAE decreased the average time in which it completes its investigations. The average was reduced from 154 days for 2012 to 153 days for 2013. The Ethics Committees reduced the average age of their pending investigations from 132 days for 2012 to 131 days for 2013.

##### **c. Backlog**

The OAE's backlog increased by just 1% from 16% in 2012 to 17% in 2013. However, the percentage of investigations over one year old remained at 8%. The Ethics Committees maintained their average backlog at 22%.

##### **d. Decrease in Investigations**

In 2013, slightly fewer new investigations were added to the joint docket of the OAE and Ethics Committees than in 2012. Specifically, 1,340 new investigations were commenced in 2013, as opposed to 1,349 investigations in 2012. Stated differently, new investigations decreased by .7% in 2013.

#### *2. Hearings*

##### **a. Reduction in Age of Hearings**

In 2013, the average time it took for the OAE to complete hearings on the complaints it filed decreased by 3.9 months. However, the Ethics Committees' hearings took an average of .8 months longer in 2013 than in 2012.

b. Decrease in Complaints

In 2013, the OAE and Ethics Committees filed fewer complaints than in 2012. Two hundred and twenty-five (225) complaints were added in 2013, representing a decrease of 5.5% from the 238 complaints filed in 2012.

**B. 4<sup>th</sup> ANNUAL OAE TRAINING CONFERENCE**

Improving efficiency is a top priority of the Office of Attorney Ethics, but not at the expense of quality and thorough investigations and fair prosecutions and adjudications. To help ensure and improve the quality and effectiveness of attorney regulation, the Office of Attorney Ethics supplemented its regular training of the professionals and volunteers involved in attorney discipline by hosting an all-day training conference. The 4<sup>th</sup> annual conference was held at The Conference Center at Mercer County Community College on October 15, 2013.

New Jersey Supreme Court Justice Jaynee LaVecchia opened the OAE Training Conference by recognizing the hard work and dedication of the OAE staff and the hundreds of volunteers serving on the Ethics and Fee Arbitration Committees. She spoke of the importance of attorney regulation and thanked everyone for their service.

Justice LaVecchia's remarks were followed by twelve workshops designed to meet the specific training needs of all those involved in the screening, investigation, prosecution, and adjudication of attorney disciplinary matters. Over 236 attendees submitted evaluation forms in which they described the workshops as informative, helpful and well-presented.

**C. DISCIPLINE**

A total of 170 attorneys were sanctioned by the New Jersey Supreme Court in 2013. (See "Sanctions" at page 15). This number includes all attorneys on whom final discipline was imposed as well as those against whom emergent action was taken. In 2012, 179 attorneys were sanctioned. Therefore, 5% fewer attorneys were disciplined than one year ago.



## II. ATTORNEY DISCIPLINARY PROCESS AND PROCEDURE

### 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, a determination is made as to whether the facts alleged, if proven, would constitute unethical conduct. If the facts alleged in the grievance would not constitute unethical conduct (for example, where the lawyer did not pay a personal bill), the case will not be docketed. If, on the other hand, a determination is made that the facts alleged in the grievance, if proven, would constitute unethical conduct, and if the grievance is not otherwise properly declined, the grievance is docketed.

### B. INVESTIGATIONS

#### 1. *Clear and Convincing Evidence*

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 a clear and convincing evidence standard. Investigations include communicating with the respondent-attorney, the grievant and any necessary witnesses, as well as securing necessary records and documents.

#### 2. *Confidentiality*

Pursuant to *R.1:20-9(b)*, all disciplinary investigations are confidential until and unless a formal complaint or other charging document has been filed and served upon the attorney-respondent. Disciplinary officials have a duty to maintain the confidentiality of the system and of all non-public documents. *R. 1:20-9(i)*. However, grievants are free to speak about all aspects of the investigation process. Nevertheless, documents gathered during the investigation may not be released publicly by anyone, except as may be permitted by *R.1:20-9(a)(1)*. Once a formal complaint or other charging document is filed, the case becomes public with minor limitations and subject to protective orders in rare situations.

#### 3. *Statewide Investigations*

Overall, the disciplinary system entered 2013 with a statewide total of 1,080 investigations carried over from prior years. During the year, 1,340 new investigations were added for a total disposable caseload of 2,420. A total of 1,296 investigations were disposed of, leaving 1,124 pending investigations at year's end.

During 2013, the number of grievances docketed and assigned for investigation (1,340) decreased by .7% compared to the 1,349 new filings recorded in 2012. In comparison to five years ago, the number of grievances docketed in 2013 decreased by 9.2%. **(Figure 1)**.

## Changes in Investigations

Year	Filings	Change	Overall
2013	1,340	-.7%	-9.2%
2012	1,349	-3.1%	
2011	1,392	-2.7%	
2010	1,431	-3%	
2009	1,476	---	

**Figure 1**

The number of attorneys against whom grievances are docketed for investigation is generally a very small percentage of the total lawyer population. In 2013, only 1.82% of the 73,697 active lawyers as of December 31, 2013 had grievances docketed against them. (Figure 2). This figure has remained relatively stable over the past five years.

## Lawyer-Grievance Analysis

Year	Filings	Lawyers*	Percent
2013	1,340	73,697	1.82%
2012	1,349	71,578	1.88%
2011	1,392	70,804	1.97%
2010	1,431	69,905	2.05%
2009	1,476	68,431	2.16%

\* Active Lawyers – Source: Lawyers' Fund for Client Protection

**Figure 2**

### 4. Time Goals

The Supreme Court has established time frames in which investigations and hearings should be concluded. *R. 1:20-8*. These time goals call for standard investigations to be completed within six months and complex investigations within nine months from the date a grievance is docketed (until an investigative report is filed and the case is dismissed, diverted or a charging document is filed). Most cases handled by the Ethics Committees are classified as standard while almost all OAE cases are classified as complex. The actual time involved necessarily depends on a number of factors, including staffing, the cooperation of the grievant, the respondent and any other witnesses, and the complexity of the matter itself.

The average investigative time goal compliance rate for OAE cases for 2012 was 84%. The average investigative time goal compliance rate decreased to 83% for 2013, but was 86% for the one-month period ending December 31, 2013. The average time goal compliance rate at the Ethics Committee level was 78% for 2013, the same as in 2012.

The OAE reduced the average time in which it investigates cases from an average of 154 days for 2012 to an average of 153 for 2013. Similarly, the Ethics Committees reduced the average age of their pending investigations from 132 days in 2012 to 131 days for 2013.

The average age of the Ethics Committees' investigations was as low as 116 days during the year.

The OAE's average backlog of investigations increased by 1%, from 16% for 2012 to 17% for 2013.

The average backlog of the Ethics Committees remained at 22% for 2013, the same as for 2012.

### C. COMPLAINTS

At the conclusion of the investigative process, a determination is made as to 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. If, however, there is a reasonable prospect of proving unethical conduct by clear and convincing evidence, and the matter is not diverted (see "Other Related Actions" at page 39), a formal complaint is filed and served on the respondent-attorney, who has 21 days to file an answer.

#### 1. *Statewide Formal Complaints*

The disciplinary system began calendar year 2013 with a total of 232 complaints carried over from prior years. During the year, 225 new complaints were added for a total disposable caseload of 457. A total of 214 complaints were disposed of through the hearing process, leaving 243 pending complaints at year's end. Of that number, 21 were in untriable status, leaving an active pending caseload of 222 complaints.

The number of new formal complaints filed in 2013 (225) decreased by 5.5% over 2012 (238). For the most recent five-year period, new formal complaints decreased overall by 3.4%. **(Figure 3)**.

#### Changes in Complaints

Year	Filings	Change	Overall
2013	225	-5.5%	-3.4%
2012	238	-25%	
2011	317	32%	
2010	240	3%	
2009	233	--	

**Figure 3**

### D. HEARINGS

#### 1. *Hearing Panels or Special Ethics Masters*

Once an answer is filed, 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.

2. *Procedure*

In disciplinary hearings, the procedure followed is similar to that in 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 guilty of unethical conduct for which discipline is required.

3. *Public Hearings*

All hearings are open to the public except in rare circumstances where comprehensive protective orders have been entered.

4. *Age of Disposed Hearings*

In 2013, the OAE completed its hearings an average of 3.9 months faster than in 2012 (450 days for 2013 compared to 567 days for 2012.) The Ethics Committees, however, concluded their hearings an average of .83 months longer than the previous year (262 days in 2013 compared to 237 days in 2012).

### III. SANCTIONS

#### A. TYPES OF DISCIPLINARY SANCTIONS

There are two types of disciplinary sanctions. The first (and most common) type of disciplinary sanction is final discipline. The second type of disciplinary sanction is imposed as a result of emergent action.

#### B. FINAL DISCIPLINE

Final discipline is imposed by the Supreme Court. The Supreme Court imposes final discipline after the attorney is first afforded an opportunity for a disciplinary hearing either at the trial level and/or after the Disciplinary Review Board (Review Board) concludes appellate review (or original review in the case of motions and stipulations). The Supreme Court automatically schedules oral argument in all cases in which the Review Board has recommended disbarment. Other matters are argued only if the Supreme Court grants a party's petition for review or on the Supreme Court's own motion.

The OAE represents the public interest in all arguments before the Supreme Court. OAE attorneys appeared 18 times for oral argument in discipline cases in 2013. Arguments are streamed in real time over the Internet and can be accessed at the Judiciary's Website -- [www.njcourtsonline.com](http://www.njcourtsonline.com) -- by clicking on the **WEBCAST** icon.

In 2013, the Supreme Court imposed final discipline on 135 New Jersey attorneys. Prior years' totals were: 139 in 2012, 136 in 2011 and 136 in 2010. **Figure 5** at page 18 contains a list of all final and emergent action, as well as all reinstated attorneys for 2013.

##### 1. *Forms of Final Discipline*

There are six primary forms of final disciplinary sanctions: disbarment, license revocation, suspension (for a definite or indefinite term), censure, reprimand, and admonition.

##### a. Disbarment

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. Disbarment in New Jersey is, for all practical purposes, permanent. *In re Wilson*, 81 N.J. 451, 456 n.5 (1979) and *R.1:20-15A(a)(1)*. Like New Jersey, three other states also impose permanent disbarment in all cases (Indiana, Ohio and Oregon). Additionally, eight other jurisdictions have recognized the importance of permanent disbarment in some, but not all, cases (Arizona, Alabama, California, Connecticut, Florida, Kansas, Louisiana and Mississippi).

##### b. License Revocation

A license revocation is an annulment of the right to practice law.

c. Suspension

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

d. Censure

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

e. Reprimand

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

f. Admonition

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

2. *Discipline Imposed by the Supreme Court*

The 135 final sanctions imposed in 2013 include 10 disbarments by Order of the Supreme Court, 14 disbarments by consent of the respondent, no revocations, 23 term suspensions, no indeterminate suspensions, no suspended suspensions, 27 censures, 36 reprimands and 25 admonitions.

Comparisons of 2013 sanctions with the prior year are as follows: disbarments by Order of the Supreme Court decreased by 33.3% (10 vs. 15); disbarments by consent decreased by 12.5% (14 vs. 16); no attorneys' licenses were revoked; term suspensions decreased by 11.5% (23 vs. 26); censures increased by 107.7% (27 vs. 13); reprimands increased by 16.1% (36 vs. 31); and admonitions decreased by 34.2% (25 vs. 38).

**C. EMERGENT ACTION**

Whenever the OAE believes a serious violation of the Rules of Professional Conduct 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*), it may file an application seeking the attorney's immediate temporary suspension from practice, pending ongoing investigation. The Supreme 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.

For 2013, a total of 35 attorneys were the subject of emergent sanctions (35 temporary suspensions and 0 license restrictions). This represents a decrease of 12.5% from the total last year, when 40 emergent actions were taken (40 temporary suspensions and 0 license

restrictions). Prior years' results were: 2011 (35 total – 33 temporary suspensions and 2 license restrictions); 2010 (24 total – 22 temporary suspensions and 2 license restrictions); and 2009 (25 total – 23 temporary suspensions and 2 license restrictions). During that five-year period, an average of 32 lawyers was subject to emergent action. The names of attorneys emergently disciplined are listed in **Figure 5**.

In 2013, the leading reasons for emergent discipline were: an attorney's conviction of a "serious crime," as defined in *R. 1:20-13* at 34% (12 cases); other at 23% (8 cases); non-cooperation with disciplinary authorities at 20% (7 cases); non-payment of fee arbitration committee awards at 14% (5 cases); and knowing misappropriation of clients' trust funds at 9% (3 cases).

#### **D. TOTAL DISCIPLINE**

In total, 170 attorneys were sanctioned by the New Jersey Supreme Court in 2013, whereas 179 attorneys were sanctioned in 2012. Therefore, 5% fewer attorneys were disciplined than one year ago. Sanction totals for previous years were as follows: 171 in 2011; 160 in 2010; 173 in 2009; and 187 in 2008. The average number of sanctions over the past five years is 171. The number of attorneys sanctioned in 2013 is .6% higher than this five-year average.

#### **Five-Year Sanction Trend**

Year	Attorneys Disciplined
2013	170
2012	179
2011	171
2010	160
2009	173

**Figure 4**

**Figure 5**

**OFFICE OF ATTORNEY ETHICS  
YEARLY DISCIPLINE REPORT  
(1/1/2013 to 12/31/2013)**

**DISBARMENT (10)  
ATTORNEY**

	<b>ADMITTED</b>	<b>LOCATION</b>	<b>DECIDED</b>	<b>EFFECTIVE</b>
Gaglioti, Amedeo Anthony	1982	Morris	04/18/2013	04/18/2013
Hummel, Christopher Philip	1982	Bergen	02/28/2013	02/28/2013
Ingenito, Charles Peter	1994	Passaic	09/19/2013	09/19/2013
Johnson, Kowana M.	2003	New York	09/18/2013	09/18/2013
Li, Feng	2004	Morris	05/22/2013	05/22/2013
Malvone, Neil A.	1993	Middlesex	10/16/2013	10/16/2013
Obi, Francis O.	1991	Essex	06/05/2013	06/05/2013
Paragano, Vincent	1980	Hudson	03/25/2013	03/25/2013
Pastor, Sergio Rafael	1998	Union	06/06/2013	06/06/2013
Squitieri, Jeffrey P.	1994	Bergen	11/20/2013	11/20/2013

**DISBARMENT BY CONSENT (14)  
ATTORNEY**

	<b>ADMITTED</b>	<b>LOCATION</b>	<b>DECIDED</b>	<b>EFFECTIVE</b>
Bristol, Jonathan Star	1985	Morris	05/09/2013	05/09/2013
Coppa, Carlo J.	1994	Passaic	03/25/2013	03/25/2013
Curreri, Paul James	1987	Passaic	12/05/2013	12/05/2013
Desai, Rakesh J.	1996	Essex	03/11/2013	03/11/2013
Feuer, Michael Seth	1990	Monmouth	09/05/2013	09/05/2013
Goeke, Jeffrey Michael	1996	Monmouth	04/29/2013	04/29/2013
Heiner Pisano, Jennifer Ann	2009	Essex	05/24/2013	05/24/2013
Kenneally, Lynn Anne	1991	Monmouth	04/01/2013	04/01/2013
Mongelli, Joseph T.	1990	Bergen	07/23/2013	07/23/2013
Quigley, Gregory Hugh	1996	Pennsylvania	08/19/2013	08/19/2013
Roche, Raymond T.	1978	Essex	08/05/2013	08/05/2013
Schildiner, Andrew Daniel	1995	Bergen	01/07/2013	01/07/2013
Siegel, Martin J.	1984	Gloucester	08/07/2013	08/07/2013
Tonogbanua, Arobert Chua	1997	Delaware	04/16/2013	04/16/2013

**SUSPENSION TERM (23)  
ATTORNEY**

	<b>ADMITTED</b>	<b>LOCATION</b>	<b>DECIDED</b>	<b>EFFECTIVE</b>
Arzadi, Karim K. - 6 Mo.	1987	Middlesex	12/05/2013	01/03/2014
Casale, Michael A - 36 Mo.	1973	Essex	04/17/2013	05/17/2013
Chambers, Owen - 6 Mo.	2000	Middlesex	09/10/2013	09/10/2013
Del Tufo, Douglas Joseph - 3 Mo.	1997	Monmouth	12/05/2013	01/03/2014
Felsen, Stuart David - 3 Mo.	1993	Morris	06/05/2013	07/05/2013
Gahwyler, William E. Jr. - 12 Mo.	1990	Bergen	01/23/2013	02/22/2013
Giampapa, Anthony J. - 3 Mo.	1973	Essex	03/19/2013	04/19/2013
Halbfish, Michael David - 6 Mo.	1997	Warren	09/18/2013	10/18/2013
Khoudary, Nicholas - 24 Mo.	1988	Middlesex	06/06/2013	07/05/2013
Klamo, John Andrew - 3 Mo.	1982	Camden	04/26/2013	05/27/2013
Le Blanc, Wilfrid Jr- 24 Mo.	1998	New York	04/25/2013	04/25/2013
Lewis, David A. - 24 Mo.	1985	Morris	07/11/2013	12/15/2011
Main, Kevin H. - 24 Mo.	1988	Mercer	04/25/2013	04/25/2013
Moras, Hugo L. - 3 Mo.	1975	Essex	02/13/2013	03/13/2013
Picker, Cheryl H. - 3 Mo.	1988	Essex	03/26/2013	04/25/2013



Rak, Samuel - 3 Mo.	1985	Bergen	06/07/2013	06/07/2013
Rifai, Hamdi M - 12 Mo.	1994	Bergen	06/06/2013	06/06/2013
Roche, Raymond T. - 6 Mo.	1978	Essex	03/14/2013	03/14/2013
Rosen, Stephen H. - 12. Mo.	1982	Monmouth	02/08/2013	03/07/2013
Salvage, Steven E. - 3 Mo.	2003	Essex	10/24/2013	10/24/2013
Shapiro, Daniel N. - 3 Mo.	1984	Bergen	01/23/2013	01/23/2013
Tiffany John E. - 3 Mo.	1992	Bergen	02/08/2013	02/08/2013
Yannon, Christopher L. - 12 Mo.	2002	Monmouth	10/16/2013	11/15/2013

#### **CENSURE (27)**

<b>ATTORNEY</b>	<b>ADMITTED</b>	<b>LOCATION</b>	<b>DECIDED</b>	<b>EFFECTIVE</b>
Aponte, Ernest A.	2005	Atlantic	09/05/2013	09/05/2013
Beckerman, Jeffrey Scott	1983	Essex	04/05/2013	04/05/2013
Bolson, David A.	1979	Essex	01/10/2013	01/10/2013
Bush, Edward Benjamin	1984	Ocean	12/17/2013	12/17/2013
Butler, Tonya Denise	2002	California	09/06/2013	09/06/2013
Cavaliere, Matthew John	1982	Passaic	01/10/2013	01/10/2013
Cioffi, Cinzia	2001	Mercer	05/14/2013	05/14/2013
Feldman, Marc Prentiss	1988	Morris	10/29/2013	10/29/2013
Garcia, Evelyn F.	1998	Middlesex	09/05/2013	09/05/2013
Heyburn, Edward Harrington	1997	Middlesex	11/13/2013	11/13/2013
Hyde, Christopher West	1987	Sussex	11/12/2013	11/12/2013
Larkins, Daniel G.	1983	Bergen	06/06/2013	06/06/2013
Lentz, Eric S.	1976	Essex	06/06/2013	06/06/2013
Levin, Harry J.	1983	Ocean	05/22/2013	05/22/2013
Macchiaverna, Louis	1998	Ocean	07/12/2013	07/12/2013
Marcus, Stanley E.	1970	Essex	04/26/2013	04/26/2013
Muldoon, Philip N. Jr.	1990	Gloucester	03/07/2013	03/07/2013
Phillips, Duane T.	1993	Atlantic	03/07/2013	03/07/2013
Pocaro, Jeffrey R.	1982	Union	06/13/2013	06/13/2013
Powell, Wayne	1985	Camden	01/23/2013	01/23/2013
Schroll, Bryan C.	1992	Camden	04/17/2013	04/17/2013
Schwartz, Joel Lee	1995	Atlantic	01/10/2013	01/10/2013
Terrell, Sharon S.	1986	Camden	06/12/2013	06/12/2013
Urbania, Paul J.	1984	Monmouth	11/01/2013	11/01/2013
Veitch W. R.	1971	Middlesex	11/13/2013	11/13/2013
Weil, Bradley J.	1987	Passaic	04/26/2013	04/26/2013
Weil, Roger J.	1979	Somerset	06/13/2013	06/13/2013

#### **PUBLIC REPRIMAND (36)**

<b>ATTORNEY</b>	<b>ADMITTED</b>	<b>LOCATION</b>	<b>DECIDED</b>	<b>EFFECTIVE</b>
Azar, Victor F.	1978	Bergen	10/17/2013	10/17/2013
Bassetti, Edward Ralph	1987	Bergen	02/08/2013	02/08/2013
Block, Adam Kenneth	1993	Union	03/07/2013	03/07/2013
Brown, Michael Joseph	1990	Camden	12/17/2013	12/17/2013
Burstein, Noah M.	1975	Bergen	06/13/2013	06/13/2013
Chizik, Joseph S.	1976	Burlington	03/07/2013	03/07/2013
Cioffi, Cinzia	2001	Mercer	03/08/2013	03/08/2013
Clausen, Paul Franklin	1982	Hunterdon	04/23/2013	04/23/2013
D'Angelo, Michael Daniel	1983	Somerset	02/08/2013	02/08/2013
Dariento, Marc	1993	Union	08/09/2013	08/09/2013
De Clement, David Michael	1994	Gloucester	06/14/2013	06/14/2013
Druz, Dan A.	1981	Monmouth	11/14/2013	11/14/2013
Engelhardt, Suzanne L.	1991	Middlesex	02/08/2013	02/08/2013
Hunt, Ronald Calvin	1985	Essex	09/05/2013	09/05/2013
Kang, Na-Kyung	2008	Bergen	01/24/2013	01/24/2013
Kim, Dong Sung	2009	Bergen	01/24/2013	01/24/2013
Larsen, Donald H.	1983	Morris	02/08/2013	02/08/2013

Larsen, Donald H.	1983	Morris	12/11/2013	12/11/2013
Mason, Gary L.	1990	Monmouth	05/29/2013	05/29/2013
Middlebrooks, Melinda Dee	1985	Union	11/13/2013	11/13/2013
Monzo, Anthony P.	1987	Cape May	12/05/2013	12/05/2013
Moses, Keith O.	1990	Hudson	04/26/2013	04/26/2013
Moskowitz, Howard D.	1977	Hudson	10/07/2013	10/07/2013
Nachbar, Stuart M.	1994	Essex	11/13/2013	11/13/2013
Niedermayer, Leonard H.	1991	Burlington	03/08/2013	03/08/2013
Pavliv, Alex	1983	Monmouth	09/05/2013	09/05/2013
Pinnock, Joan Othelia	1997	Essex	10/17/2013	10/17/2013
Saluti, Gerald M.	1992	Essex	06/07/2013	06/07/2013
Sanchez, Rodrigo	2001	Essex	10/11/2013	10/11/2013
Shim, Shang Koo	2006	Bergen	05/29/2013	05/29/2013
Stagliano, Ronald J.	1980	Cape May	03/07/2013	03/07/2013
Thyne, Kenneth S.	1990	Passaic	06/27/2013	06/27/2013
Warren, Bruce K. Jr.	2002	Gloucester	06/06/2013	06/06/2013
Werner, Edward G.	1989	Burlington	04/26/2013	04/26/2013
Wright, Dorothy L.	1976	Somerset	03/22/2013	03/22/2013
Zonies, Daniel B.	1970	Camden	06/26/2013	06/26/2013

**ADMONITION (25)**

<b>ATTORNEY</b>	<b>ADMITTED</b>	<b>LOCATION</b>	<b>DECIDED</b>	<b>EFFECTIVE</b>
Cook, Peter A.	1994	Essex	01/25/2013	01/25/2013
DiCiurcio, John David	1997	Camden	07/19/2013	07/19/2013
Downs, Thomas E. IV	1975	Middlesex	04/19/2013	04/19/2013
Edwards, Stephen William	1991	New York	01/25/2013	01/25/2013
Fox, Gary E.	1975	Ocean	10/23/2013	10/23/2013
Galasso, Vincent L.	1978	Bergen	10/23/2013	10/23/2013
Geron, Michael James	1984	Union	01/22/2013	01/22/2013
Hanna, Douglas B.	1973	Monmouth	01/25/2013	01/25/2013
Kelly, Adam	2000	Bergen	12/03/2013	12/03/2013
Koppenaar, Richard David	1983	Bergen	10/21/2013	10/21/2013
Kuner, Martin Howard	1988	Essex	09/30/2013	09/30/2013
Mezrahi, Joseph I.	1976	New York	01/25/2013	01/25/2013
Ouda, Peter A.	1990	Somerset	10/25/2013	10/25/2013
Ozarow, Alan	1987	Essex	09/26/2013	09/26/2013
Perez, Mateo J.	1999	Hudson	06/19/2013	06/19/2013
Petrone, Charles D.	1986	Burlington	10/23/2013	10/23/2013
Smink, Linda A.	1989	Union	10/23/2013	10/23/2013
Smith, Dan S.	1987	Essex	01/22/2013	01/22/2013
Smith, Tonya	1984	Essex	11/25/2013	11/25/2013
Steig, A. B.	1992	Morris	10/25/2013	10/25/2013
Stevens, James R.	1979	Bergen	07/01/2013	07/01/2013
Ungvary, Robert A.	1984	Union	09/30/2013	09/30/2013
Wolfe, Thomas M.	2002	Middlesex	09/26/2013	09/26/2013
Young, James E.	1981	Bergen	03/28/2013	03/28/2013
Zielyk, Andrey V.	1986	Morris	06/26/2013	06/26/2013

**TOTAL FINAL DISCIPLINE.....135**

**TEMPORARY SUSPENSION (35)**

<b>ATTORNEY</b>	<b>ADMITTED</b>	<b>LOCATION</b>	<b>DECIDED</b>	<b>EFFECTIVE</b>
Adelhock, Michael B.	1989	Passaic	07/31/2013	07/31/2013
Balliette, Anthony J.	2000	Cape May	12/16/2013	12/16/2013
Bernot, Robert J.	1982	Hunterdon	04/03/2013	05/03/2013
Clark, Thomas A.	1986	Middlesex	12/16/2013	12/16/2013

Collins, John J.	2005	Hudson	01/03/2013	01/03/2013
Condurso, Robert James Jr.	2009	Monmouth	12/04/2013	12/04/2013
Curreri, Paul James	1987	Passaic	01/28/2013	01/28/2013
Decker, Brian R.	2009	California	11/23/2013	12/23/2013
Diaz, Andres J.	1981	Essex	02/28/2013	04/01/2013
Engelhart, Edward G.	1979	Essex	05/22/2013	05/22/2013
Felsen, Stuart David	1993	Morris	06/28/2013	07/27/2013
Feuer, Michael Seth	1990	Monmouth	08/05/2013	08/05/2013
Franco, Robert Achille	1989	Morris	01/29/2013	02/28/2013
Frey, Thomas Gerard	1989	Middlesex	06/11/2013	06/11/2013
Goeke, Jeffrey Michael	1996	Monmouth	03/20/2013	03/20/2013
Gottesman, Lee D.	1981	Ocean	05/13/2013	05/13/2013
Hairston, Maeble Lois	1990	Monmouth	05/07/2013	05/07/2013
Hamill, John F. Jr.	1980	Hudson	07/17/2013	07/17/2013
Hanlon, Richard S.	1977	Hudson	07/31/2013	07/31/2013
Harris, Jacqueline Rochelle	1990	Essex	04/03/2013	05/03/2013
Heiner Pisano, Jennifer Ann	2009	Essex	03/12/2013	03/12/2013
Leotti, Darren P.	1991	Hunterdon	04/16/2013	04/16/2013
Macchiaverna, Louis	1998	Ocean	07/12/2013	07/12/2013
Palfy, Marc Z.	1999	Monmouth	06/26/2013	06/26/2013
Palfy, Marc Z.	1999	Monmouth	06/26/2013	07/26/2013
Palitto, John J. Jr.	1992	Camden	06/05/2013	06/05/2013
Percy, Kirill	1996	Florida	04/10/2013	04/10/2013
Roche, Raymond T.	1978	Essex	01/03/2013	01/03/2013
Rowek, Michael A.	1987	Passaic	09/24/2013	09/24/2013
Saidel, Scott F.	1993	Florida	04/25/2013	04/25/2013
Savage, Steven E.	2003	Essex	04/16/2013	04/16/2013
Scott, Everette L. Jr.	2007	Burlington	02/12/2013	02/12/2013
Sommer, Goldie C.	1976	Essex	05/22/2013	05/22/2013
Tan, Herbert Joni	1998	Essex	11/20/2013	11/20/2013
Tarter, Mitchel	2003	Middlesex	04/03/2013	05/01/2013

**TOTAL TEMPORARY DISCIPLINE..... 35**

**REINSTATEMENTS (12)**

<b>ATTORNEY</b>	<b>SUSPENDED</b>	<b>LOCATION</b>	<b>DECIDED</b>	<b>EFFECTIVE</b>
Bar-Nadav, Meiron	11/28/2002	Bergen	03/27/2013	03/27/2013
Bernot, Robert	05/03/2013	Hunterdon	10/04/2013	10/04/2013
Collins, John J.	01/03/2013	Hudson	03/08/2013	03/08/2013
Kaminsky, Jerrold N.	10/11/2012	Middlesex	02/27/2013	02/27/2013
Klamo, John Andrew	05/27/2013	Camden	09/25/2013	09/25/2013
Palitto, John J. Jr.	06/05/2013	Camden	06/11/2013	06/11/2013
Randall, Glenn	12/03/2013	Pennsylvania	12/03/2013	12/03/2013
Roberson, James O. Jr.	04/25/2002	District of Columbia	09/30/2013	09/30/2013
Russo, Thomas M.	11/02/2012	Union	02/06/2013	02/06/2013
Skoller, Stephen H.	02/28/2013	Essex	02/28/2013	02/28/2013
Stahl, William N.	03/24/2009	Essex	09/25/2013	09/25/2013
Yates, Mark G.	10/26/2012	Hunterdon	01/29/2013	01/29/2013

**TOTAL REINSTATEMENTS..... 12**

## **IV. GROUNDS FOR FINAL DISCIPLINE**

The type of misconduct committed in final discipline cases is as follows:

### **A. DISHONESTY, FRAUD, DECEIT AND MISREPRESENTATION**

In first place this year was the grouping of dishonesty, fraud, deceit and misrepresentation (whether resulting from criminal or disciplinary findings), which accounted for 15.6% (21 of 135 cases). In 2012, this group ranked fifth at 8.6%.

### **B. GROSS AND PATTERNED NEGLIGENCE**

Gross and patterned neglect at 11.9% (16 of 135 cases) was the second most common offense for which attorneys were disciplined in 2013. Attorneys who engage in grossly negligent conduct are a danger to the public. While New Jersey does not discipline single instances of simple neglect, multiple instances of simple neglect may form a pattern of neglect that constitutes unethical conduct. This category was in first place last year, accounting for 18% of all sanctions.

### **C. OTHER MONEY OFFENSES**

Also tied for second place was the category of "Other Money Offenses" at 11.9% (16 of 135 cases). These cases include negligent or reckless misappropriation, serious trust account recordkeeping deficiencies, and failure to safeguard funds and escrow violations. In 2012, this category was the third most frequent reason for discipline at 12.9%.

### **D. KNOWING MISAPPROPRIATION**

Knowing misappropriation of trust funds at 10.4% (14 of 135 cases) ranked as the third most common cause for discipline in 2013. This category was the second most common reason for lawyer sanctions in 2012 at 14.4%.

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). It is 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 either client trust/escrow funds or law firm funds, mandate disbarment.

#### *1. Trust Overdraft Notification*

New Jersey has the most pro-active financial programs of any state in the country, including Trust Overdraft Notification (Overdraft Program) and Random Audits (RAP). The Overdraft Program requires that all financial institutions report to the OAE whenever an attorney trust account check is presented against insufficient funds. During the 29 years of its existence, the Overdraft Program has been the sole reason for the discipline of 171 New Jersey lawyers. One half of the attorneys (50%) so disciplined were disbarred. In 2013, four (4) attorneys were detected and disciplined through this program: Louis Macchiaverna from Ocean County was censured; Steven Savage from Essex County was suspended for three months; Paul Urbania from Monmouth County was censured; and Bradley Weil from Passaic County was

censured.

## **2. Random Audit Program**

The Random Audit Program began conducting audits in 1981. While not designed primarily to detect misappropriation, audits have resulted in the detection of some serious financial violations. Over the 32 years of its operation, a total of 169 attorneys, detected solely by this program, have been disciplined for serious ethical violations. Fifty-eight percent (58%) of those attorneys were disbarred or suspended. This year, four (4) attorneys were disciplined for committing serious financial violations: Matthew J. Cavaliere from Passaic County was censured; Charles D. Petrone from Burlington County was admonished; Raymond T. Roche of Essex County and Andrew D. Schildiner of Bergen County were both disbarred by consent.

## **E. CONFLICT OF INTEREST**

“Conflict of Interest” came in fourth place, accounting for 8.9% (12 of 135 cases) of all discipline cases. This group was in sixth place in 2012 at 7.2%.

## **F. NON-COOPERATION WITH ETHICS AUTHORITIES**

Non-cooperation with ethics authorities came in fifth place at 7.4% (10 of 135 cases). 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 was ultimately 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.

## **G. CRIMINAL CONVICTIONS**

In 2013, the category of “Criminal Convictions” (excluding misappropriation, fraud and drug convictions) ranked sixth at 6.7% (9 of 135 cases). In 2012, this category was in fourth place at 9.4%.

## **H. FEES**

In seventh place at 5.9% (8 of 135 cases) was the category of “Fees.” Lawyers are required under RPC 1.5 to charge no more than a reasonable fee. When a fee becomes grossly excessive or violates other related rules, such as the requirement to have a fee agreement in writing, discipline is imposed.

## **I. INELIGIBLE PRACTICING LAW**

The grouping “Ineligible Practicing Law” was in eighth place this year at 5.2% (7 of 135 cases). This violation arises when lawyers continue to engage in the practice of law after they are ordered by the Supreme Court to cease practicing because they have failed to make payment of the mandatory annual attorney registration licensing fee. This grouping has been in the top ten grounds for discipline in 2004, 2006, 2008, 2009, 2011 and 2012.

## **J. LACK OF COMMUNICATION**

"Lack of Communication" is the category that came in ninth place with 4.4% (6 of 135 cases). Lawyers are ethically required by RPC 1.4 to "keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information." They also must "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." This group was in seventh place in 2012 at 5.1%

#### **K. ADMINISTRATION OF JUSTICE**

In tenth place, "Administration of Justice" accounted for 3.7% (5 of 135 cases) of all discipline cases. This category has appeared on the list in 2012, 2008, 2006 and 2005.

Summaries of each of the 135 final discipline cases can be found in **Figure 6**.

## 2013 Disciplinary Summaries

**Ernest A. Aponte** – Censured on September 5, 2013 (215 *N.J.* 298) for improper fee sharing and forming an impermissible partnership with non-lawyers in connection with mortgage modifications and bankruptcy filings, failing to maintain an attorney trust account and professional malpractice insurance while operating as a professional corporation, and lack of diligence, gross neglect and pattern of neglect in the handling of bankruptcy files. Michael J. Sweeney appeared before the DRB for the OAE. Carol Niewender Goloff appeared for the District I Ethics Committee. Jose A. Silva appeared for respondent.

**Karim Arzadi** – Suspended for six months effective January 3, 2014 (216 *N.J.* 334) for knowingly making a false statement of material fact or law to a tribunal, knowingly offering false evidence, conduct involving dishonesty, fraud, deceit or misrepresentation and conduct prejudicial to the administration of justice. Specifically he repeatedly certified that false statements made in his certifications and pleadings were true, knowing they were false and made knowingly false accusations against his adversary in his pleadings. In addition, he failed to admit his wrongdoing and instead perpetrated the charade throughout the DEC hearing and DRB argument. Howard Duff appeared before the DRB for District VIII, and Robyn M. Hill and Joseph J. Benedict appeared for the respondent.

**Victor F. Azar** - Reprimanded on October 17, 2013 (216 *N.J.* 404) for violations of RPC 1.1(b) (pattern of neglect); RPC 1.3 (lack of diligence); RPC 1.4(b) (failure to communicate with clients); and RPC 1.16(d) (failure to protect the client's interests upon termination of the representation) in connection with three client matters. Jennifer Blum represented District IIB and Raymond Flood represented respondent.

**Edward Ralph Bassetti** – Reprimanded on February 8, 2013 (213 *N.J.* 41) for improper release of escrow funds he held in a real estate transaction. Maureen G. Bauman appeared before the DRB for the OAE and Adam J. Adrignolo appeared for the Respondent.

**Jeffrey Scott Beckerman** – Censured on April 5, 2013 (213 *N.J.* 280) for referring 111 primarily workers' compensation cases to another attorney not in the same firm, who was not a certified workers' compensation attorney, and receiving in return referral fees totaling \$104, 152.37. Melissa A. Czartoryski represented the OAE and respondent was pro se.

**Adam Kenneth Block** – Reprimanded on a certified record on March 7, 2013 (213 *N.J.* 80) for practicing while ineligible, in violation of RPC 5.5(a). N. Ari Weisbrot represented District IIB and respondent was pro se.

**David A. Bolson** – Censured on January 8, 2013 (216 *N.J.* 166) for paying 131 referral fees in primarily workers' compensation cases totaling \$142,432 over a six-year period to attorneys not in his firm without obtaining the requisite status as having been certified in that specialty, such as to

permit fee splitting under R. 1:39-6(d). Melissa A. Czartoryski appeared before the DRB for the OAE and respondent appeared pro se. The Respondent was previously disciplined: Admonished in 2003.

**Jonathan Star Bristol** – Disbarred by consent on May 9, 2013 (213 *N.J.* 519) after pleading guilty in the United States District Court for the Southern District of New York to conspiracy to commit money laundering, in violation of 18 U.S.C. §1956. Michael J. Sweeney represented the OAE and Gerard Hanlon represented the respondent.

**Michael J. Brown** - Reprimanded on December 17, 2013 (216 *N.J.* 341) for violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 1.16(d) (failure to protect a client's interests on termination of the representation), and *RPC* 5.5(a) (unauthorized practice of law) in a matter in the U.S. Court of Appeals for Veterans Claims. Myles A. Seidenfrau represented District IV and Andrew B. Kushner represented respondent.

**Noah M. Burstein** – Reprimanded on June 13, 2013 (214 *N.J.* 46) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence) and *RPC* 1.4(b) (failure to keep client reasonably informed about the status of matter and failure to comply with a client's reasonable requests for information). Nancy Saccente appeared before the DRB for District IIA and respondent appeared pro se.

**Edward Benjamin Bush** – Censured on December 17, 2013 (210 *N.J.* 182) for failing to “institute appropriate, timely litigation and investigation” on his client's behalf in a civil matter, constituting gross neglect in violation of *RPC* 1.1(a) and lack of diligence in violation of *RPC* 1.3. Respondent also violated *RPC* 1.4(b) and *RPC* 8.4(c) by misrepresenting the status of the civil matter to his client. Finally, respondent violated *RPC* 8.1(b) by failing to cooperate with disciplinary authorities. Jerome J. Turnbach appeared on behalf of District IIIA and respondent was represented by Lee A. Gronikowski. Respondent was previously disciplined: Admonished in 2012.

**Tonya Denise Butler** - Censured on September 6, 2013 (215 *N.J.* 302) based on discipline imposed in Tennessee that in New Jersey constitutes violations of *RPC* 5.5(a) (practicing law while ineligible to do so) and *RPC* 8.4(a) (violating or attempting to violate the Rules of Professional Conduct). Missy Urban represented the OAE and respondent appeared pro se.

**Michael A. Casale** – Suspended for three years effective May 17, 2013 (213 *N.J.* 379) for violating *RPC* 1.7(b) (conflict of interest (now *RPC* 1.7(a)(2))) in his representation of an elderly widow in poor health and of questionable competence. Vincent E. Gentile appeared before the Supreme Court for the OAE and Frederick J. Dennehy represented the respondent.

**Matthew John Cavaliere** - Censured on January 10, 2013 (216 *N.J.* 90) for failing to comply with recordkeeping rules,

practicing law in a jurisdiction where doing so violated the regulations of the legal profession in that jurisdiction (failing to have professional liability insurance) and conduct involving dishonesty, fraud, deceit or misrepresentation based on respondent's statements to a Random Auditor that his professional liability insurance had expired when, in fact, he knew that he had not obtained insurance as directed following a previous random audit.

**Owen Chambers** - Suspended for six months on a certified record on September 10, 2013 (215 *N.J.* 303) for violating RPC 1.4(b) (failure to communicate with the client), RPC 1.15(a) (failure to safeguard client property or funds), RPC 1.15(b) (failure to promptly deliver funds or property to a client or third person), RPC 5.3(a), (b), and (c) (failure to supervise a non-lawyer employee), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Christina Blunda Kennedy represented the OAE and respondent defaulted. Respondent was previously disciplined: Suspended for three months in 2012, which suspension is still in effect.

**Joseph S. Chizik** – Reprimanded on March 7, 2013 (213 *N.J.* 81) for grossly neglecting a personal injury case, failing to respond to his client's numerous requests for information about the case, failing to turn over the client's file to new counsel and failing to promptly respond to ethics authorities' requests for information. Colleen McGuigan appeared before the DRB for District IIIB and respondent's counsel James J. Gerrow, Jr. waived appearance. The respondent was previously disciplined: Reprimanded in 1997.

**Cinzia Cioffi** – Reprimanded on March 8, 2013 (213 *N.J.* 87) for failing to withdraw from representation when a physical and/or mental condition materially impaired her ability to represent her clients, failing to take steps to protect her client's interests upon termination of representation and failing to cooperate with the ethics investigation. Janice L. Richter represented the OAE and respondent was pro se.

**Cinzia Cioffi** – Censured on May 14, 2013 (213 *N.J.* 522) for gross neglect, lack of diligence, failure to communicate with her client, practicing law while ineligible and failure to cooperate with disciplinary authorities. Janice L. Richter represented the OAE and respondent defaulted. The respondent was previously disciplined: Reprimanded in 2013.

**Paul Franklin Clausen** – Reprimanded on April 22, 2013, (213 *N.J.* 461) on motion for discipline by consent. Respondent practiced law from September 2009 to January 2011 while administratively ineligible due to nonpayment of the annual attorney assessment to the New Jersey Lawyers' Fund for Client Protection (CPF). Therese H. Thompson handled the matter for District XIII and respondent was pro se.

**Peter A. Cook** – Admonished on January 25, 2013 (*Unreported*) for failing to act with diligence and failing to communicate with clients in a simple estate matter and in

another matter where the attorney was tasked with setting up a non-profit entity and preparing initial tax returns. James Henry Forte represented District V-B before the DRB and Gerard E. Hanlon represented respondent.

**Carlo J. Coppa** – Disbarred by consent on March 25, 2013 (213 *N.J.* 250) after he entered a guilty plea and was sentenced on two counts of second-degree theft by failure to make required disposition of property received, contrary to *N.J.S.A.* 2C:20-9. Timothy J. McNamara represented the OAE and Santo J. Bonanno represented respondent.

**Paul James Curreri** – Disbarred by consent on December 5, 2013 (216 *N.J.* 333) following his criminal conviction in New Jersey Superior Court to one count of conspiracy to commit theft by deception and securities fraud, in violation of *N.J.S.A.* 2C:20-4; *N.J.S.A.* 49:3-52(b); and *N.J.S.A.* 2C:5-2. Michael J. Sweeney represented the OAE before the Supreme Court and Joseph T. Afflitto, Jr. represented the respondent. The respondent was previously disciplined: Reprimanded in 2012.

**Michael D. D'Angelo** – Reprimanded on February 8, 2013 (213 *N.J.* 40) for defrauding the lender in a real estate transaction by allowing the closing documents to misstate the financial terms of the transaction. Respondent also failed to properly communicate the terms of the transaction to his client and did not provide the client with a writing that clearly set out his fee. Missy Urban appeared before the DRB for the OAE and Richard M. DeLuca appeared for respondent.

**Marc D'Arienzo** - Reprimanded on a motion for discipline by consent on August 9, 2013 (214 *N.J.* 623) for practicing law while ineligible in violation of RPC 5.5(a)(1). Linda Couso Puccio represented District XI and respondent was pro se. The respondent was previously disciplined: Suspended for three months in 1999; admonished in 2001; admonished in 2004; and censured in 2011.

**David M. De Clement** – Reprimanded on June 11, 2013 (214 *N.J.* 47) on motion for discipline by consent for releasing a portion of escrow funds to a party to an escrow agreement without first obtaining the other party's consent, in violation of RPC 1.15(a). Melissa A. Czartoryski handled the matter for the OAE and respondent appeared pro se.

**Douglas J. Del Tufo** - Suspended for three months effective January 3, 2014 (216 *N.J.* 332) for charging his public defender clients a legal fee for his representation, in violation of RPC 1.5(a) and (b) (unreasonable fee and failure to communicate the basis or rate of the fee in writing), RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and RPC 8.4(d) (conduct prejudicial to the administration of justice). HoeChin Kim represented the OAE and respondent was pro se. The respondent was previously disciplined: Admonished in 2011 and Reprimanded in 2012.



**Rakesh J. Desai** - Disbarred by consent on March 11, 2013 (213 *N.J.* 88) after pleading guilty to a charge of third-degree bribery in official matters in Hudson County Superior Court. Michael J. Sweeney represented the OAE and Anna G. Cominsky represented the respondent.

**John David Di Ciurcio** - Admonished on July 19, 2013 (*Unreported*) for failing to act with diligence and adequately communicate with a client in connection with a bankruptcy matter. Robert J. Gillispie, Jr. represented District IV and William Thomas DiCiurcio II represented respondent.

**Thomas E. Downs** – Admonished on April 19, 2013 (*Unreported*) for failing to communicate with his client, in violation of RPC 1.4(b), and failing to reply to the ethics investigator's numerous attempts to contact him, in violation of RPC 8.1(b). Marc J. Bressler appeared before the DRB for District VIII and Frederick J. Dennehy appeared for the respondent.

**Dan A. Druz** – Reprimanded on November 14, 2013 on motion for discipline by consent (216 *N.J.* 163) for violating RPC 1.15(d) and Rule 1:21-6, recordkeeping violations. Respondent was previously disciplined: Admonished in 2010. Timothy J. McNamara represented the OAE before the DRB and respondent was pro se.

**Stephen William Edwards** - Admonished on January 25, 2013 (*Unreported*) for practicing law in a jurisdiction where doing so violated the regulation of the profession, failing to keep proper records and practicing law while ineligible for failure to pay the annual New Jersey Lawyer's Fund for Client Protection assessment and failing to comply with the mandatory IOLTA program. Christopher J. Koller represented District IIB before the DRB and respondent was pro se.

**Suzanne L. Engelhardt** – Reprimanded on February 8, 2013 (213 *N.J.* 42) for practicing law while on retired status and failing to cooperate with disciplinary authorities by refusing to submit to an interview. Melissa A. Czartoryski represented the OAE before the DRB and respondent failed to appear.

**Steven Charles Feinstein** – Suspended for one year on December 17, 2013 (216 *N.J.* 339) for violating RPC 3.3(a)(1) (knowingly making a false statement of material fact or law to a tribunal), RPC 3.3(a)(5) (failing to disclose to the tribunal a material fact knowing that the omission is reasonably certain to mislead the tribunal), RPC 4.1(a)(1) (in representing a client, knowingly making a false statement of material fact or law to a third person), RPC 5.5(a)(1) (practicing law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction), RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and RPC 8.4(d) (conduct prejudicial to the administration of justice). The Court also ordered that respondent shall not appear pro hac vice in any New Jersey matter until further Order of the Court and that respondent's application for readmission to the New Jersey Bar shall be

withheld for one year. Timothy J. McNamara appeared before the DRB for the OAE and respondent appeared pro se.

**Marc Prentiss Feldman** – Censured on October 29, 2013 on a motion for discipline by consent (216 *N.J.* 156) for violating RPC 8.4(c), conduct involving dishonesty, fraud, deceit or misrepresentation, following his acceptance of \$3,185 in legal fees to which he was not entitled. Respondent was a network attorney for a legal expense insurance company domiciled in Arizona. The company offered group legal insurance plans, through employers, as an employee benefit. Respondent prepared estate planning documents for 12 plan members but none of the members executed the documents. Six of the individuals had retained respondent for other legal services and had not specifically requested the estate planning documents. In three instances, respondent did not even speak to the clients prior to preparing the documents. However, respondent submitted claims for fees indicating that he had completed the matters when none of the documents had been executed. Diana C. Manning represented the District XA Ethics Committee. Respondent was represented by Thomas A. Cataldo.

**Stuart D. Felsen** –Suspended for three months on a certified record effective July 5, 2013 (214 *N.J.* 337), for lack of diligence, failure to communicate with a client, and failure to cooperate with ethics authorities. Thomas C. Jardim represented District XB and respondent was pro se. The respondent was previously disciplined: Reprimanded in 2002; suspended for three months in 2007; and censured in 2012.

**Michael Seth Feuer** - Disbarred by consent on September 5, 2013 (215 *N.J.* 301) following his guilty plea in United States District Court, District of New Jersey to one count of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349. Michael J. Sweeney represented the OAE and Jordan Tucker represented the respondent.

**Gary E. Fox** - Admonished by consent on October 23, 2013 (*Unreported*) for improperly utilizing a client's authorization to sign the client's name to a settlement check. Melissa A. Czartoryski represented the OAE and respondent was pro se on the motion for discipline by consent. The respondent was previously disciplined: Reprimanded in 1998.

**Amedeo Anthony Gaglioti** – Disbarred on a certified record on April 18, 2013 (213 *N.J.* 380) for knowingly misappropriating client and escrow funds in three separate real estate matters. Missy Urban appeared before the Supreme Court for the OAE and respondent failed to appear.

**William E. Gahwyler, Jr.** – Suspended for one year effective February 22, 2013 (212 *N.J.* 556) for taking an excessive fee, dishonesty and conflict of interest in a real estate transaction in which he represented both the buyer and seller. He prepared a false RESPA in which he certified that the seller received over \$200,000 in sales proceeds

when she only received \$35,000 and failed to disclose that a party not listed on the statement received over \$120,000 of the seller's (his client's) funds. Janice Richter appeared before the DRB for the OAE and Andrew Cevalco represented the respondent. The respondent was previously disciplined: Censured in 2011.

**Vincent L. Galasso** - Admonished on October 23, 2013 (*Unreported*) for failing to promptly disburse funds to a medical provider after receipt of settlement funds and negligent misappropriation of funds in an unrelated matter where discovery of mistake was delayed by respondent's failure to perform three-way reconciliations of trust account on a monthly basis. Melissa A. Czartoryski represented the OAE and respondent was pro se before the DRB.

**Evelyn F. Garcia** - Censured on September 5, 2013 (215 *N.J.* 297) for violating RPC 1.5(b) (failure to set forth in writing the rate or nature of the fee), RPC 1.15(a) and (b) (failure to safeguard client or escrow funds held in the trust account), RPC 1.15(d), Rule 1:21-6 (recordkeeping violations), RPC 5.4(c) (a lawyer shall not permit a person who recommends, employs or pays the lawyer to render legal services for another to direct or regulate the attorney's professional judgment in rendering such legal services), 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) (conduct involving dishonesty, fraud, deceit or misrepresentation) in connection with several real estate closings. Christina Blunda Kennedy appeared before the DRB for the OAE and respondent appeared pro se.

**Michael James Geron** - Admonished on January 22, 2013 (*Unreported*) for failing to have his fee in writing in a matrimonial matter where he had not previously represented the client and in a collection matter where a contingency fee was involved. Additionally, respondent failed to act with diligence and comply with a client's reasonable requests for information in a collection matter. Glen J. Vida represented District XII before the DRB and respondent was pro se.

**Anthony J. Giampapa** – Suspended for three months effective April 19, 2013 (213 *N.J.* 392) for failing to adequately communicate with his client, failing to sufficiently explain an estate matter to a client such that the client could make an informed decision about the investment of his daughter's bequest, failing to safeguard client funds, failing to promptly deliver the funds to a client or third person, record keeping violations and practicing law while ineligible. The DRB required respondent to submit proof that he has corrected all of his recordkeeping violations prior to reinstatement to practice and to submit monthly reconciliations of his attorney accounts on a quarterly basis to the OAE for a period of two years. In addition to those conditions, the Supreme Court ordered respondent to undergo two years of supervision in the practice of law following his reinstatement. Janice L. Richter represented the OAE and respondent was pro se. The respondent was

previously disciplined: Admonished in 2007 and censured in 2008 and 2009.

**Jeffrey Goeke** - Disbarred by consent on April 29, 2013 (213 *N.J.* 517) for knowingly misappropriating client trust funds and escrow funds over the course of several years, primarily from real estate transactions. Maureen G. Bauman represented the OAE and Glenn R. Reiser represented the respondent.

**Michael David Halbfish** - Suspended for six months (215 *N.J.* 493) effective October 18, 2013 for violations of RPC 1.1(a) (gross neglect); RPC 1.1(b) (pattern of neglect); RPC 1.3 (lack of diligence), and RPC 1.4(b) (failure to communicate with client) in five separate matters. Peter J. Hendricks appeared before the DRB for District VIII and respondent appeared pro se. The respondent was previously disciplined: Censured in 2011.

**Douglas B. Hanna** - Admonished by consent on January 25, 2013 (*Unreported*) for not acting with diligence by not properly monitoring client funds. Christina Blunda Kennedy represented the OAE and Michael D. Schottland represented respondent on a motion for discipline by consent. The respondent was previously disciplined: Admonished in 2010 but the underlying and instant matter shared the same factual nucleus.

**Edward Harrington Heyburn** - Censured on two certified records on November 13, 2013 (216 *N.J.* 161) for i) violating RPC 7.1(a)(1) (false or misleading communication about the lawyer's services), RPC 7.4(d) (no communication about certification as a specialist or certified in a field if misleading or false), and R.1:39-6 (no use of designations set forth in regulations by Board on Attorney Certification except as therein provided) and ii) violating RPC 1.3 (lack of diligence), RPC 1.4(b) and RPC 1.4(c) (failure to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information and failure to explain a matter to the extent reasonably necessary for the client to make informed decisions about the representation), RPC 1.15 (failure to safeguard property), RPC 8.1(b) (failure to cooperate with disciplinary authorities), RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and R.1:20-3(g)(e) (duty to cooperate in disciplinary proceedings). HoeChin Kim represented the OAE, Brian M. Brennan represented District VII, and respondent was pro se.

**Christopher P. Hummel** – Disbarred on a certified record on February 28, 2013 (213 *N.J.* 61) for knowingly misappropriating clients' funds by using them for purposes unrelated to the clients' matter and without their knowledge or permission. Christina Blunda Kennedy appeared before the Supreme Court for the OAE and respondent failed to appear.

**Ronald Calvin Hunt** - Reprimanded on September 5, 2013 (215 *N.J.* 300) for engaging in a conflict of interest, gross neglect, lack of diligence, failure to communicate, record

keeping violations, failure to withdraw from representation where representation violated the RPCs, and failure to take steps to protect his clients' interests upon termination of the representation. Respondent was also found to have made a misrepresentation to disciplinary authorities that he was license to practice law in Pennsylvania when he was not in good standing in that jurisdiction and to have engaged in conduct involving dishonesty, fraud, deceit or misrepresentation. Richard Bernstein appeared before the DRB for District VA and Juliana Blackburn appeared for the respondent.

**Christopher West Hyde** – Censured on November 12, 2013 (216 *N.J.* 160) for violating RPC 5.5(a)(1) and R. 1:28A-2(d), practicing law while ineligible to do so. Catherine F. Riordan appeared before the DRB for the District XB Ethics Committee for XB-2010-0024E and Helen E. Tuttle appeared for XB-2011-0005E. Respondent waived his appearance for oral argument. Respondent was previously disciplined: Admonished in 2008 and temporarily suspended in 2010.

**Charles P. Ingenito** - Disbarred on September 19, 2013 (215 *N.J.* 516) for knowing misappropriation of client trust funds and numerous other RPC violations. HoeChin Kim appeared before the Supreme Court for the OAE and Anthony J. Fusco, Jr. appeared for the respondent.

**Kowana M. Johnson** – Disbarred on September 18, 2013 (213 *N.J.* 368) for knowingly misappropriating funds belonging to an estate. Missy Urban appeared before the Supreme Court for the OAE and respondent appeared pro se.

**Na-Kyung Kang** - Reprimanded on January 24, 2013 (212 *N.J.* 559) for engaging in the practice of law with a non-lawyer who intimidated and controlled the respondent and another attorney by threatening their livelihood and ability to remain in the country. Santiago D. Orozco appeared before the DRB for District XI and respondent waived appearance. The respondent was previously disciplined: Admonished in 2012.

**Adam Kelly** – Admonished on December 3, 2013 (*Unreported*) for practicing law while ineligible to do so from September 27, 2010 to October 15, 2012 for failure to pay the annual assessment to the New Jersey Lawyers' Fund for Client Protection. Joseph Barbieri represented District IIB before the DRB and respondent appeared pro se.

**Lynn Anne Kenneally** – Disbarred by consent on April 1, 2013 (213 *N.J.* 278) for acknowledging that the allegations in a one count Monmouth County Superior Court Indictment, charging second-degree theft by failure to make the required disposition, contrary to *N.J.S.A. 2C:20-9*, are true and if she went to a hearing on the matter, she could not successfully defend herself against those charges. Respondent failed to make the required disposition of \$75,000 or more belonging to various wards under her guardianship. Timothy J. McNamara represented the OAE and James Fagen represented the respondent.

**Nicholas Khoudary** – Suspended for two years effective July 5, 2013 (213 *N.J.* 593) for filing a frivolous claim, conduct involving dishonesty, fraud, deceit or misrepresentation, and conduct prejudicial to the administration of justice. Stephen M. Orlofsky appeared before the DRB for the OAE and Respondent appeared pro se. The respondent was previously disciplined: Suspended for two years in 1999.

**Dong Sung Kim** – Reprimanded on January 24, 2013 (212 *N.J.* 560) for engaging in the practice of law with a non-lawyer who intimidated and controlled the respondent and another attorney by threatening their livelihood and ability to remain in the country. Santiago D. Orozco appeared before the DRB for District XI and respondent waived appearance.

**John A. Klamo** – Suspended for three months effective May 27, 2013 (213 *N.J.* 494) for charging improper expenses in contingent fee matters, failing to promptly deliver funds belonging to clients and third parties, recordkeeping violations, and dishonest conduct in dealing with disciplinary authorities. Respondent was previously disciplined: Reprimanded in 1996. Melissa A. Czartoryski appeared before the DRB for the OAE and respondent appeared pro se.

**Richard D. Koppenaar** - Admonished on October 21, 2013 (*Unreported*) for failing to cooperate with the District Ethics Committee's attempts to obtain information. Paul Alan Garfield represented District IIB and respondent was pro se.

**Martin H. Kuner** - Admonished on September 30, 2013 (*Unreported*) for failing to enter into a written retainer agreement with a personal injury client, failing to serve the summons and complaint on the defendants leading to its dismissal, and failure to communicate with his client and inform her of the dismissal. Martin L. Bearg represented District VC before the DRB and respondent was pro se.

**Daniel G. Larkins** - Censured on a certified record on June 6, 2013 (214 *N.J.* 2) for violating RPC 1.3 (lack of diligence), RPC 1.4(b) and RPC 1.4(c) (failure to communicate with the client and to explain the matter to the extent reasonably necessary for the client to make informed decisions about the representation), RPC 1.16(a)(2) (failure to terminate the representation), RPC 1.16(d) (failure to turn over file to the client on termination of representation), and RPC 8.1(b) (failure to cooperate with disciplinary authorities). Mary E. WanderPolo represented District V-B and respondent was pro se. The respondent was previously disciplined: Admonished in 2009.

**Donald H. Larsen** – Reprimanded on February 8, 2013 (213 *N.J.* 39) for misconduct in two client matters including failing to set forth in writing the basis or rate of his fee and misrepresentations to the clients concerning the status of the matters. Maureen G. Bauman appeared before the DRB for the OAE and Glenn R. Reiser appeared for the respondent.

**Donald H. Larsen** - Reprimanded by consent on December 11, 2013 (\_\_\_N.J.\_\_\_) for failing to set forth, in writing, the rate or basis of his fee (RPC 1.5(b)), engaging in a concurrent conflict of interest (RPC 1.7(a)(2)), and practicing law while ineligible (RPC 5.5(a)). Eric L. Probst represented District XA and respondent was pro se.

**Wilfrid LeBlanc, Jr.** - Suspended for two years on a certified record on April 25, 2013 (213 N.J. 489) for making misrepresentations in two real estate transactions, failing to record a mortgage for over four years and failing to deliver closing proceeds to the proper parties. Respondent also failed to cooperate with disciplinary authorities. In one matter, respondent misrepresented the purchase price on a deed of sale. In another, respondent falsely certified the sums that he received and disbursed on the HUD-1, issued five checks totaling \$18,767.50 to two individuals who were not entitled to any proceeds and failed to forward the mortgage for recording until four years after the closing. Missy Urban represented the OAE and respondent defaulted. The respondent was previously disciplined: Censured in 2006; reprimanded in 2007; suspended in 2008; and suspended in 2010.

**Eric S. Lentz** – Censured on a certified record on June 6, 2013 (214 N.J. 3) for failing to file the affidavit required by R. 1:20-20 following his suspension from practice, despite the OAE's continued attempts to have him comply with the rule. Michael J. Sweeney represented the OAE and respondent defaulted. Respondent was previously disciplined: Temporarily suspended in 2010, which suspension remains in effect, and reprimanded in 2012.

**Harry J. Levin** – Censured on May 22, 2013, (213 N.J. 524) for failing to communicate in writing the basis of his fee before or within a reasonable time in three separate matters; for engaging in a conflict of interest when he represented two individuals whose interests became diverse, since one was to receive any recovery and the other was to pay the bill; for failing to convey a settlement offer to one of his clients and to obtain consent to accept the offer; for continuing to represent that client after he had sued him for malpractice; for entering into a business transaction with that same client without disclosing the terms of the transaction in writing or receiving the client's consent to respondent's participation in writing; and for making false statements of material facts and misrepresentations to a tribunal. Christina Blunda Kennedy appeared before the DRB for the OAE and the respondent appeared pro se. The respondent was previously disciplined: Admonished in 2008.

**David A. Lewis** – Suspended for two years on July 11, 2013 (214 N.J. 515) following his guilty plea in the United States District Court for the District of New Jersey to knowingly and willfully subscribing to a federal income tax return, in violation of 26 U.S.C. §2706(1). Missy Urban represented the OAE before the DRB and Thomas Ambrosio represented the respondent.

**Feng Li** - Disbarred on May 22, 2013 (213 N.J. 523) for knowing misappropriation of client funds as respondent did not have a reasonable, good-faith belief of entitlement to the disputed amount of his legal fee. The Supreme Court's independent review showed i) respondent was not authorized to take a \$1.2 million fee in his fee agreement; ii) respondent wrote to his clients suggesting he would charge additional fees and might inform authorities about their alleged misrepresentations unless they dropped their fee dispute; and iii) respondent deliberately deposited the unauthorized fee into his children's bank accounts and wired funds to China, where the funds could not be retrieved, after being sued by his clients. HoeChin Kim appeared before the Supreme Court for the OAE and Herbert I. Waldman appeared for the respondent.

**Louis Macchiaverna** – Censured on July 12, 2013 (215 N.J. 1) for failure to comply with the recordkeeping requirements of R. 1:21-6 and for knowingly practicing law while ineligible. Melissa A. Czartoryski appeared before the Supreme Court and respondent failed to appear. The respondent was previously disciplined: Reprimanded in 2010 and temporarily suspended in 2011. This matter was discovered as the result of the Trust Overdraft Notification Program.

**Kevin H. Main** – Suspended for two years on a certified record on April 25, 2013 (213 N.J. 491) for gross and pattern of neglect, lack of diligence, failure to communicate with clients, failure to return an unearned retainer, and failure to cooperate with disciplinary authorities in six client matters. Marta Cruz Gold represented District VII and Benjamin N. Cittadino represented respondent. The respondent was previously disciplined: Admonished in 2010 and suspended for two consecutive three month terms in 2011.

**Neil A. Malvone** – Disbarred on October 16, 2013 (216 N.J. 10) for conspiring with his client to defraud the client's spouse in divorce proceedings and knowingly misappropriating \$11,000 in marital funds by making unauthorized personal use of the funds entrusted to him by his client. Melissa A. Czartoryski appeared before the Court for the OAE and James M. Curran appeared for respondent.

**Stanley Marcus** - Censured by consent on April 26, 2013 (213 N.J. 493) for sharing legal fees with nonlawyers and compensating someone to recommend or secure the lawyer's employment. Janice L. Richter represented the OAE and Michael R. Perle represented respondent. The respondent was previously disciplined: Reprimanded in 1991, 1995 and 2011.

**Gary L. Mason** – Reprimanded by consent on May 29, 2013 (213 N.J. 571) for threatening to file criminal charges and pursue civil remedies against his adversary in order to gain advantage in a civil dispute between both counsels' respective clients. A. Patrick Nucciarone appeared before the DRB for District IX on the motion for discipline by consent and respondent appeared pro se.

**Joseph Mezrahi** - Admonished on January 25, 2013 (*Unreported*) for failing to disclose a material fact knowing that it was reasonably certain to mislead the tribunal, engaging in dishonesty, fraud, deceit or misrepresentation, and engaging in conduct prejudicial to the administration of justice by "ghostwriting" eight to ten pro forma responses on behalf of clients without revealing his involvement to the court. Glenn D. Kassman represented District IIIA before the DRB and respondent was pro se.

**Melinda D. Middlebrooks** - Reprimanded on November 13, 2013 (216 *N.J.* 407) for engaging in a conflict of interest by suing a client for fees and obtaining a wage execution while actively representing the client in a bankruptcy matter. Karen E. Bezner appeared before the DRB for District XII and Andrew R. Turner appeared for the respondent.

**Joseph T. Mongelli** – Disbarred by consent on July 23, 2013 (210 *N.J.* 151) following his guilty plea in the New York Supreme Court to one count of third degree Grand Larceny, in violation of Penal Law § 155.35(6), Securities Fraud in violation of General Business Law §352-C 06 and one count of first degree Scheme to Defraud, in violation of Penal Law 190. Michael J. Sweeney represented the OAE and John M. Carbone represented the respondent. The respondent was previously disciplined: Admonished in 2000 and temporarily suspended in 2012.

**Anthony P. Monzo** – Reprimanded on December 5, 2013 (216 *N.J.* 331) for having engaged in an impermissible business transaction with a client. Ralph A. Jacobs appeared before the DRB for the OAE and Robert E. Ramsey appeared for respondent.

**Hugo L. Moras** – Suspended for three months effective March 13, 2013 (213 *N.J.* 52) for failing to maintain a business account, failing to perform monthly reconciliations of his trust account records, failing to promptly disburse client balances from his trust account, failing to maintain appropriate receipts and disbursement journals, and authorizing office staff to sign trust account checks. Michael J. Sweeney appeared before the DRB for the OAE and respondent appeared pro se. Respondent was previously disciplined: Suspended for six-months in 1993; reprimanded in 1997 and 2005.

**Keith O. D. Moses** – Reprimanded on April 26, 2013 (213 *N.J.* 497) for failure to safeguard client trust funds, commingling, negligent misappropriation of client funds, recordkeeping violations and failure to cooperate with disciplinary authorities. Melissa A. Czartoryski appeared before the DRB for the OAE. Respondent appeared pro se. Respondent was previously disciplined: Admonished in 2002; reprimanded in 2011; and temporarily suspended in 2012.

**Howard D. Moskowitz** – Reprimanded on October 7, 2013 (215 *N.J.* 636) for practicing law while ineligible to do so. Michael Margello represented District XII and Bennet D. Zurofsky represented the respondent.

**Philip N. Muldoon, Jr.** - Censured on March 6, 2013 (213 *N.J.* 79) for failing to comply with a client's reasonable requests for information, in violation of RPC 1.4(b); failing to communicate the basis or rate of the legal fee in writing and failing to provide a written contingency fee agreement, in violation of RPC 1.5(b) and RPC 1.5(c), respectively; failing to make reasonable efforts to ensure that a nonlawyer's conduct was compatible with the professional obligations of the lawyer, in violation of RPC 5.3(b); practicing law in violation of the rules regulating the profession, in violation of RPC 5.5(a)(1) and R. 1:21-1A(a)(3); engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of RPC 8.4(c); and engaging in conduct prejudicial to the administration of justice, in violation of RPC 8.4(d). William Mackin appeared for District IV before the DRB and respondent appeared pro se.

**Stuart M. Nachbar** - Reprimanded on November 13, 2013 (216 *N.J.* 408) for engaging in a conflict of interest by suing a client for fees and obtaining a wage execution while actively representing the client in a bankruptcy matter. Karen E. Bezner appeared before the DRB for District XII and respondent appeared pro se.

**Leonard H. Niedermayer** – Reprimanded on March 8, 2013 (213 *N.J.* 85) on a certified record for lack of diligence and failure to reply to clients' requests for information about their bankruptcy cases and failing to cooperate in the ensuing ethics investigations. Mark Caira handled the matter for District IIIB and respondent defaulted. The respondent was previously disciplined: Temporarily suspended in 2011.

**Francis O. Obi** - Disbarred on June 5, 2013 (214 *N.J.* 4) for knowing misappropriation of escrow funds and failure to safeguard trust account funds. Maureen G. Bauman appeared before the Supreme Court for the OAE and Michael P. Ambrosio appeared on behalf of respondent.

**Peter A. Ouda** - Admonished by consent on October 25, 2013 (*Unreported*) for engaging in a brief sexual relationship with a client six months after he began to represent her in a malpractice action. William E. Staehle represented District XIII and Martin K. Indik represented respondent on a motion for discipline by consent.

**Alan Ozarow** - Admonished on September 26, 2013 (*Unreported*) for threatening in four letters to present to the Essex County Prosecutor charges of criminal fraud against the client of an adversary. Santiago D. Orozco represented District XI before the DRB and respondent was pro se.

**Vincent J. Paragano** - Disbarred effective March 25, 2013 (213 *N.J.* 248) for making repeated misrepresentations to his former business partners and their attorneys in order to conceal from them his use of his former partners' deposit monies to purchase a property that the partnership had agreed to abandon with the resultant loss of all of the partners' deposits. He also participated in the submission of false documents to lending institutions. During the hearing stage of the case, respondent submitted forged and

fabricated documents to the OAE and the Special Master and provided false testimony at the hearing. Michael J. Sweeney appeared before the Supreme Court for the OAE and Brian Fruehling appeared for the respondent. The respondent was previously disciplined: Suspended for six months in 1999.

**Sergio Rafael Pastor** – Disbarred on a certified record on June 6, 2013 (213 *N.J.* 596) for knowingly misappropriating a client's funds by using them for purposes unrelated to the client's matter and without her knowledge or permission. Christina Blunda Kennedy appeared before the Supreme Court for the OAE and respondent failed to appear. Respondent was previously disciplined: Temporarily suspended in 2012.

**Alex Pavliv** – Reprimanded on September 5, 2013 (215 *N.J.* 299) for knowingly disobeying an obligation under the rules of a tribunal, in violation of RPC 3.4(c), and for failing to disclose to the tribunal a material fact, in violation of RPC 3.3(a)(5). Anthony T. Betta appeared on behalf of the District IIIA Ethics Committee and John T. Rihacek represented the respondent.

**Mateo J. Perez** - Admonished by consent on June 19, 2013 (*Unreported*) for entering an appearance in New York while unlicensed in that jurisdiction. Christina Blunda Kennedy represented the OAE and respondent was pro se on the motion for discipline by consent.

**Charles D. Petrone** - Admonished by consent on October 23, 2013 (*Unreported*) for failing to maintain an attorney trust or business account, failing to maintain business receipts and disbursements journals, and the improper deposit of legal fees into an attorney business account. Michael J. Sweeney represented the OAE and respondent was pro se on the motion for discipline by consent.

**Duane T. Phillips** - Censured on March 7, 2013 (213 *N.J.* 83) for failing to communicate with a client, failing to act with diligence, failing to cooperate with ethics authorities, and engaging in fraud, deceit or misrepresentation. Gina M. Merritt represented District I and respondent was pro se. The respondent was previously disciplined: Admonished in 2010 and censured in 2011.

**Cheryl H. Picker** – Suspended for three months effective April 25, 2013 (213 *N.J.* 251) for misconduct in several criminal matters. Specifically, she acted with gross neglect, failed to communicate with clients, charged an unreasonable fee, failed to continue representation when ordered to do so by tribunal, failed to protect a client's interests on termination of representation, knowingly disobeyed obligations under rules of a tribunal, had a false or misleading communication with a client regarding the percentile within which she could ensure success, failed to cooperate with disciplinary authorities, and exhibited conduct prejudicial to the administration of justice in failing to surrender to a warrant for her arrest. The Court also ordered that prior to reinstatement, respondent must submit proof of fitness to

practice by a mental health professional approved by the OAE. Christina Blunda Kennedy appeared before the DRB for the OAE and respondent waived her appearance.

**Joan Othelia Pinnock** - Reprimanded on October 17, 2013 (216 *N.J.* 405) for failing to communicate with her client and failing to provide the client with a formal retainer in a divorce matter. Further, respondent failed to return the client's file and failed to act diligently in an immigration matter. Lindal L. Scott-Foster appeared before the DRB on behalf of District VA and respondent waived her appearance.

**Jennifer Ann Heiner Pisano** – Disbarred by consent on May 24, 2013 (213 *N.J.* 566) following her convictions for third-degree falsifying records, misappropriation of entrusted funds, and forgery. Michael J. Sweeney represented the OAE and Thomas Ambrosio represented respondent.

**Jeffrey R. Pocaro** – Censured on June 13, 2013 (214 *N.J.* 46) for requesting that his adversary in a lawsuit withdraw an ethics grievance it had filed against him in exchange for respondent forbearing from instituting a defamation action against it. Elizabeth A. Weiler appeared before the DRB for District IV and respondent appeared pro se. The respondent was previously disciplined: Suspended for one-year in 1995 and censured in 2006.

**Wayne Powell** - Censured on January 23, 2013 (212 *N.J.* 557) for failing to obey a court order to provide proof of malpractice insurance within fourteen days, in violation of RPC 3.4(c); failing to satisfy a settlement agreement five months after the court-decided sixty-day deadline, in violation of RPC 3.4(c), RPC 8.4(a), and RPC 8.4(d); failing to comply with opposing counsel's discovery requests, in violation of RPC 3.4(d); and failing to remove the name of a former partner/municipal court judge from his letterhead for a period of eighteen months, in violation of RPC 7.5(c). Christine P. O'Hearn appeared before the DRB for District IV and Carl D. Poplar appeared for the respondent. Respondent was previously disciplined: Reprimanded in 1995, 1997, and 2010; and suspended for three months in 2011.

**Gregory Hugh Quigley** – Disbarred by consent on August 19, 2013 (214 *N.J.* 624) following his guilty plea to Conspiracy to Commit Perjury in Pennsylvania, a third-degree felony. Hillary Horton represented the OAE and Varghese M. Kurian represented respondent.

**Samuel Rak** – Suspended for three months on June 7, 2013 on a certified record (214 *N.J.* 5) for failing to file an affidavit in accordance with R.1:20-20 as required by the Order of the Supreme Court of New Jersey filed March 9, 2011. Melissa A. Czartoryski appeared before the DRB for the OAE and respondent failed to appear. The respondent was previously disciplined: Reprimanded in 2010 and suspended for three months in 2011.

**Hamdi M. Rifai** - Suspended for one year on a certified record on June 6, 2013 (213 *N.J.* 594) for failing to comply with two New Jersey Supreme Court Orders of Suspension that required respondent to file an affidavit of compliance for suspended or disbarred attorneys in accordance with Rule 1:20-20. HoeChin Kim represented the OAE and respondent was pro se. The respondent was previously disciplined: Reprimanded in 2002; reprimanded in 2007; suspended for three months two times in 2011.

**Raymond T. Roche** – Suspended for six months effective March 14, 2013 (213 *N.J.* 188) for pattern of neglect in four personal injury matters and failure to cooperate with disciplinary investigators. Melissa A. Czartoryski appeared before the Supreme Court and respondent failed to appear. Respondent was previously disciplined: Temporarily suspended in 2013.

**Raymond T. Roche** – Disbarred by consent on August 5, 2013 (214 *N.J.* 621) for knowingly misappropriating \$1,107,361.07 in trust funds belonging to clients and/or third party medical providers. Melissa A. Czartoryski represented the OAE and respondent was represented by Vincent C. Scoca. The respondent was previously disciplined: Temporarily suspended and suspended for six-months in 2013.

**Stephen H. Rosen** – Suspended for one year effective March 7, 2013 (213 *N.J.* 36) for violating court orders restraining him from disbursing assets of trusts. Janice L. Richter appeared before the DRB and Richard M. Keil appeared for the respondent. The respondent was previously disciplined: Reprimanded in 1995; admonished in 1996; and suspended for three months in 2002.

**Gerald M. Saluti** - Reprimanded on June 7, 2013 (214 *N.J.* 6) for failing to cooperate with disciplinary authorities. Glynn Dwyer appeared before the DRB for District VIII and Thomas P. Scrivo appeared for the respondent. The respondent was previously disciplined: Admonished in 2007 and 2012.

**Rodrigo Sanchez** - Reprimanded by consent on October 11, 2013 (216 *N.J.* 84) for failing to comply with a court order which resulted in the client's complaint not being reinstated. Sheila Woolson represented the District VA and respondent was pro se. The respondent was previously disciplined: Censured in 2010.

**Steven E. Savage** - Suspended for three months on a certified record on October 24, 2013 (216 *N.J.* 406) for violating RPC 1.15(d) (recordkeeping violations) and RPC 8.1(b) (failure to cooperate with disciplinary authorities). Pursuant to *In re Kivler*, 193 *N.J.* 332 (2008), the Court enhanced the sanction for respondent's unexcused failure to comply with the Court's Order to Show Cause. HoeChin Kim represented the OAE before the Supreme Court, and respondent failed to appear. This matter was discovered as a result of the Trust Overdraft Notification Program.

**Andrew D. Schildiner** – Disbarred by Consent on January 7, 2013 (216 *N.J.* 165) for knowing misappropriation of trust account funds. Timothy J. McNamara represented the OAE and Robyn M. Hill represented respondent. This matter was discovered as a result of the Random Audit Program.

**Bryan C. Schroll** – Censured on April 17, 2013 (213 *N.J.* 391) for grossly neglecting a client's personal injury case, failing to communicate with the client, misrepresenting the status of the case to the referring attorney, and misrepresenting the status of the case to the District Ethics Committee Secretary to stave off the processing of the ethics grievance filed against him. Melissa A. Czartoryski represented the OAE before the Supreme Court and respondent was pro se.

**Joel Lee Schwartz** – Censured on January 10, 2013 (216 *N.J.* 167) for starting a commercial flooring business with a client which was in competition with a business owned by another client thereby creating a conflict of interest. The enterprise also violated ACPE Opinion 657, 130 N.J.L.J. 656 (February 24, 1992) requiring that a law practice be entirely separate and apart from the non-legal business enterprise. Respondent also failed to provide his client with a written statement of the payout after concluding a contingent fee matter. Ann C. Singer appeared before the DRB on behalf of District IIIB and Randolph C. Lafferty appeared for respondent.

**Daniel N. Shapiro** – Suspended for three months effective January 25, 2013 (212 *N.J.* 561) for gross and pattern of neglect, failure to adequately communicate with his clients, failure to memorialize in writing the basis or rate of his fee, and failure to cooperate with an ethics investigation in three relatively simple matrimonial matters. N. Ari Weisbrot appeared before the DRB for District IIB and Edward W. Cillick appeared for respondent. The respondent was previously disciplined: Reprimanded in 2002 and 2010, and censured in 2011.

**Shang Koo Shim** - Reprimanded on May 29, 2013 (213 *N.J.* 572) for negligently misappropriating client funds when he disbursed closing funds prior to receiving all funds from buyer's attorney and attempting to cover it up when the OAE examined his records. Christina Blunda Kennedy appeared before the DRB for the OAE and the respondent appeared pro se.

**Martin J. Siegel** – Disbarred by consent on August 7, 2013 (214 *N.J.* 622) for knowingly misappropriating client funds for personal use. Missy Urban represented the OAE before the Supreme Court and Diannajean Giganti represented the respondent.

**Linda M. Smink** - Admonished on October 23, 2013 (*Unreported*) for failing to communicate the basis or rate of fee, in writing, either before or within a reasonable time after commencing the representation of a client in a criminal appeal. Also failed to communicate with the client's mother about important aspects of the matter and failed to retain

hard copies of client files at her office. Cheryl M. Spilka represented District VIII and Lennox S. Hinds represented respondent before the DRB.

**Dan S. Smith** - Admonished on January 22, 2013 (*Unreported*) for failing to keep client reasonably informed about the status of his personal injury matter including the fact that it had been dismissed on summary judgment and on appeal. Denise M. Luckenbach appeared before the DRB for District V-B and Bernard K. Freamon appeared for respondent. The respondent was previously disciplined: Admonished in 2010.

**Tonya M. Smith** – Admonished by consent on November 25, 2013 (*Unreported*) for failing to perform three-way trust account reconciliations required by R.1:21-6, for cashing a trust account check payable to herself as a legal fee without first depositing it in her business account and for maintaining balances in her trust account which were unidentified. Michael J. Sweeney represented the OAE and John McGill, III represented the respondent on the motion for discipline by consent.

**Jeffrey P. Squitieri** - Disbarred on November 20, 2013 (216 *N.J.* 297) for knowingly misappropriating at least \$55,000 of client funds by collecting a settlement in a personal injury matter and failing to pay the client the proceeds. Missy Urban appeared before the Supreme Court for the OAE and Joseph P. Castiglia represented the respondent. The respondent was previously disciplined: Censured in 2010.

**Ronald J. Stagliano** – Reprimanded on March 7, 2013 (213 *N.J.* 82) for engaging in a conflict of interest by handling the legal aspects of the sale of tax lien certificates as solicitor for the Borough of West Wildwood while simultaneously representing the buyer of those certificates, a corporation whose members were respondent's brother and a client. Karen Amacker appeared before the Disciplinary Review Board for District IIIB and Carl Poplar appeared for respondent.

**A.B. Steig** - Admonished by consent on October 25, 2013 (*Unreported*) for failing to provide client with a writing, setting forth the basis or rate of the fee, either before or within a reasonable time after commencing representation. A. Richard Ross represented District V-C and respondent was pro se on the motion for discipline by consent. The respondent was previously disciplined: Admonished in 2011.

**James R. Stevens** - Admonished on July 1, 2013 (*Unreported*) for falsely representing to the OAE that he had distributed all of the estate funds remaining in trust, held in connection with a \$650,000 estate matter, when he continued to hold \$2,380.64. Respondent claimed that he had prepared checks to disburse the remaining estate assets but he had not timely mailed them believing that because there was an outstanding check for \$1,875, he may have written them to the beneficiaries for incorrect amounts. After the outstanding check finally cleared, he mailed the

checks to the beneficiaries. Melissa A. Czartoryski appeared before the DRB for the OAE and respondent waived appearance.

**Sharon S. Terrell** - Censured on a certified record on June 12, 2013 (214 *N.J.* 44) for failing to comply with a New Jersey Supreme Court Order that required the respondent to file an affidavit of compliance for suspended or disbarred attorneys in accordance with Rule 1:20-20, in violation of *RPC* 8.4(d), and failing to cooperate with disciplinary authorities, in violation of *RPC* 8.1(b). HoeChin Kim represented the OAE and respondent was pro se.

**Kenneth S. Thyne** - Reprimanded on June 25, 2013 (214 *N.J.* 107) for violating *RPC* 3.3(a)(1) - knowingly making a false statement of material fact or law to a tribunal, *RPC* 8.1(a) - knowingly making a false statement of material fact in connection with a bar admission application or in connection with a disciplinary matter, and *RPC* 8.4(c) - conduct involving dishonesty, fraud, deceit or misrepresentation. HoeChin Kim appeared before the DRB for the OAE and Alan L. Zegas appeared for the respondent. Shalom D. Stone represented the respondent before the Supreme Court on a petition for review, which was denied on June 25, 2013.

**John E. Tiffany** - Suspended for three months on a certified record on February 7, 2013 (213 *N.J.* 37) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.1(b) (pattern of neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep client informed about status of matter and failure to respond to requests for information), *RPC* 1.4(c) (failure to provide client sufficient information to enable client to make informed decisions), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) in three client matters. Respondent has been suspended since February 8, 2012, for failing to pay a fee arbitration award and costs. HoeChin Kim represented the OAE and respondent was pro se.

**Arobert C. Tonogbanua** – Disbarred by consent on April 16, 2013 (213 *N.J.* 376) for manipulating and falsifying documentation in order to make it appear that litigation had been brought against law firm clients who in fact had not been sued. Respondent acted as the billing and supervising attorney in over 100 falsified lawsuits and the total amount billed (including all fees and costs) and/or obtained via settlement authority in all affected lawsuits under his suspension totals over one million dollars. Timothy J. McNamara represented the OAE and Michael Miller represented respondent.

**Miguel Torrellas** – Suspended for six months on June 6, 2013 (213 *N.J.* 597), but effective if and when respondent is readmitted to the New Jersey bar. Respondent also barred from applying for admission *pro hac vice* for the period preceding his readmission. for violating *RPC* 5.5(a) by practicing law in New Jersey after his license had been revoked pursuant to Rule 1:28-2(c). Christina Blunda Kennedy appeared before the DRB for the OAE and respondent waived appearance.



**Robert A. Ungvary** - Admonished on September 30, 2013 (*Unreported*) for failing to comply with discovery leading to the dismissal of a civil rights complaint, then failing to timely prosecute an appeal, not informing his client that the appeal was dismissed, and failing to discuss his decision not to pursue the appeal with his client. Frederick B. Polak represented District XII and Keith A. McKenna represented respondent. The respondent was previously disciplined: Admonished in 2010.

**Paul J. Urbania** – Censured by consent on November 1, 2013 (216 *N.J.* 157) for violating RPC 1.15(a) (failure to hold funds of third persons separate from the lawyer's own property), RPC 1.15(d) and R. 1:21-6 (recordkeeping violations). Michael J. Sweeney represented the OAE and respondent was pro se on a motion for discipline by consent. This matter was discovered as the result of the Trust Overdraft Notification Program. The respondent was previously disciplined: Reprimanded in 1993.

**W.R. Veitch a/k/a W. Richard Veitch** – Censured on November 13, 2013 (216 *N.J.* 162) for communicating with a criminal codefendant represented by counsel over the express, written objection of the codefendant's own counsel, contrary to RPC 4.2. Richard Galex presented the matter for District VIII and Robert H. Corbin represented respondent.

**Bruce K. Warren, Jr.** – Reprimanded on June 6, 2013 (214 *N.J.* 1) for engaging in a sexual relationship with a client while acting as her court-appointed attorney. Missy Urban represented the OAE and Marc David Garfinkle represented respondent.

**Bradley J. Weil** – Censured on April 26, 2013 (213 *N.J.* 499) for improperly disbursing a real estate escrow to his client in violation of an escrow agreement and dishonest dealings with his adversary in the case and for practicing law while ineligible to do so for failure to pay his annual assessment. Melissa A. Czartoryski appeared before the DRB for the OAE. Respondent waived appearance. This matter was discovered as the result of the Trust Overdraft Notification Program. The respondent was previously disciplined: Reprimanded in 1999.

**Roger J. Weil** – Censured on June 13, 2013 (214 *N.J.* 45) for commingling funds in his trust account and preparing false HUD-1 settlement statements in 174 real estate matters using inflated charges for surveys costs and recording fees. Christina Blunda Kennedy appeared before the DRB for the OAE and David Dugan appeared for the respondent. The respondent was previously disciplined: Reprimanded in 2011.

**Edward G. Werner** – Reprimanded on April 26, 2013 on a certified record (213 *N.J.* 498) for failing to return a \$4,000 unearned portion of a divorce retainer to a client. Richard J.

Nocella handled the matter for the District IIIB Ethics Committee and respondent defaulted.

**Thomas M. Wolfe** - Admonished by consent on September 26, 2013 (*Unreported*) for preparing a will on behalf of a client that granted him a share of the estate. Maureen S. Binetti represented District VIII and Pamela Brause represented respondent on a motion for discipline by consent.

**Dorothy L. Wright** – Reprimanded on March 22, 2013 (213 *N.J.* 247) on motion for discipline by consent. Respondent failed to keep her client reasonably informed about the status of a matter and did not set out the basis or rate of the fee in writing. Timothy P. McKeown handled the matter for District XIII and respondent was represented by Catherine M. Brown. The respondent was previously disciplined: Admonished in 1994 and reprimanded in 1996.

**Christopher L. Yannon** - Suspended for one year on October 16, 2013 (216 *N.J.* 9) for preparing three false HUD statements as part of a fraudulent real estate transaction that funded two transactions using mortgage funds that were only authorized to be used in a single transaction and for submitting false documents to the OAE to try to conceal his fraud. Hillary Horton appeared before the DRB for the OAE and K. Roger Plawker appeared on behalf of respondent.

**James E. Young** – Admonished on March 28, 2013 (*Unreported*) for failing to take action in a worker's compensation matter resulting in the case being dismissed with prejudice for failure to prosecute. Respondent also failed to respond to his client's repeated requests for information. Ari Weisbrot represented District IIB and respondent was pro se.

**Andrey V. Zielyk** - Admonished on June 26, 2013 (*Unreported*) for failing to set forth, in writing, the basis for the fee, lack of diligence and failing to keep the client's beneficiaries adequately informed about the status of an estate matter. Mary C. McDonnell represented District XB before the DRB and Michael P. Ambrosio represented respondent.

**Daniel B. Zonies** - Reprimanded on June 25, 2013 (214 *N.J.* 106) for violating RPC 1.4(b) by failing to keep a client reasonably informed about the status of a matter and failing to promptly comply with reasonable requests for information. Mark A. Rinaldi appeared for District IV before the DRB and Jay Martin Herskowitz appeared for respondent. The respondent was previously disciplined: Reprimanded in 2003.

## V. OTHER RELATED ACTIONS

The attorney disciplinary system also handles a significant number of other related actions involving New Jersey attorneys. During 2013, a total of 151 such actions were undertaken, including: transfers to disability-inactive status; Bar Admission cases alleging cheating; prosecutions for contempt of a Supreme Court Order to cease practicing law by suspended or disbarred lawyers; diversionary actions by which attorneys who commit “minor unethical conduct” may avoid discipline if they complete specific conditions; reinstatement proceedings where suspended attorneys seek to again practice law; and matters where disciplined lawyers are monitored for a period of time after discipline is imposed.

### A. DISABILITY-INACTIVE STATUS

Disability-Inactive Status is imposed by the Supreme Court where an attorney lacks the mental or physical capacity to practice law. *R. 1:20-12*. While often imposed in conjunction with an attorney disciplinary investigation or prosecution, this status is, by itself, non-disciplinary in nature. During 2013, a total of six (6) attorneys were the subject of a disability-inactive Order. This represents an increase from 2012 when two (2) attorneys were so transferred. Prior years’ results were: 2011 – 4; 2010 – 2 and 2009 – 2. During this 5-year period, an average of 3.2 lawyers per year was placed into disability-inactive status.

### B. BAR ADMISSIONS / CONTEMPT

#### 1. *Bar Admissions*

Where a bar applicant is suspected of cheating on the state’s bar examination test, the Supreme Court assigns the matter to the OAE for investigation and, if warranted, prosecution. The OAE was assigned one such investigation in 2006. No such cases have been assigned since that time.

#### 2. *Contempt*

Prosecutions for contempt of Supreme Court order 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 may file and prosecute an action for contempt before the Assignment Judge of the vicinage where the respondent engaged in the prohibited practice of law. 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 2013.

### C. DIVERSIONS

The diversionary program allows attorneys who have committed “minor unethical conduct” to be diverted from the disciplinary system. “Minor unethical conduct” is behavior that would likely warrant no more than an admonition (the least serious sanction) if the matter proceeded to a hearing. Determinations to divert matters of minor unethical conduct are made only by the Director, OAE. 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 diversion decision.

Diversion may take place only if the attorney acknowledges a mistake and agrees to take remedial steps (sometimes beneficial to the grievant) 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 more serious cases. Diversion conditions generally do not exceed a period of six months. If successfully completed, the underlying grievance is dismissed with no record of discipline. If diversion is unsuccessful, a disciplinary complaint is filed and prosecuted.

During calendar year 2013, a total of 92 requests for diversion were received by the OAE: none were declined. By the end of the year, 58 diversions were successfully completed and 52 were still pending from 2013 and prior years. Occasionally, some respondents agree to diversion and then fail to complete the agreed conditions. This year, one respondent failed diversion. This matter was returned to the district committee for the filing of a formal complaint. In 2012, 52 diversions were approved (52 requests and no rejections). During the last five years, an average of 75.3 diversions was approved. The most common diversion offenses for 2013 were: money-recordkeeping (26); gross neglect/lack of diligence/competence (11); money – commingling (10); and money - other (10).

The most popular condition imposed in diversion cases required the attorney to complete the New Jersey State Bar Association's Ethics Diversionary Education Course (84). Other required conditions included: completion of a course in New Jersey Trust and Business Accounting (24); recordkeeping compliance reporting (14); letters of apology (6); prompt completion of underlying case responsibilities (4); and continuing legal education (3). Last year, attendance at the Bar Association's Diversionary Course was also the primary remedial condition (43).

#### **D. REINSTATEMENT PROCEEDINGS**

A suspended attorney may not practice again until the attorney first files a reinstatement application, and the Supreme Court grants the request by order. The application is reviewed by the OAE, the Review Board and the Supreme Court. There is no procedure for a disbarred attorney to apply for reinstatement since 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 over six months, a reinstatement petition may not be made until after expiration of the time 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 suspension period. *R. 1:20-21(b)*. The Supreme Court reinstated twelve (12) attorneys in 2013, which was the same as in 2012.

#### **E. MONITORED ATTORNEYS**

The Supreme Court imposes monitoring conditions on some attorneys either in connection with interim or final sanctions imposed in disciplinary proceedings or as a result of previous reinstatement proceedings. There are several types of practice conditions. A proctorship is imposed on those attorneys who need intensive guidance and oversight by a seasoned practitioner. *Rule 1:20-18* imposes specific reporting responsibilities on both the respondent and the proctor, including weekly conferences, the maintenance of time records and instructions regarding proper financial

recordkeeping. 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, 2013, forty-one (41) attorneys were subject to monitoring.

## VI. DISCIPLINARY STRUCTURE

The attorney disciplinary system consists of three levels: 1) the Office of Attorney Ethics and District Ethics Committees, 2) the Disciplinary Review Board and 3) the Supreme Court of New Jersey.

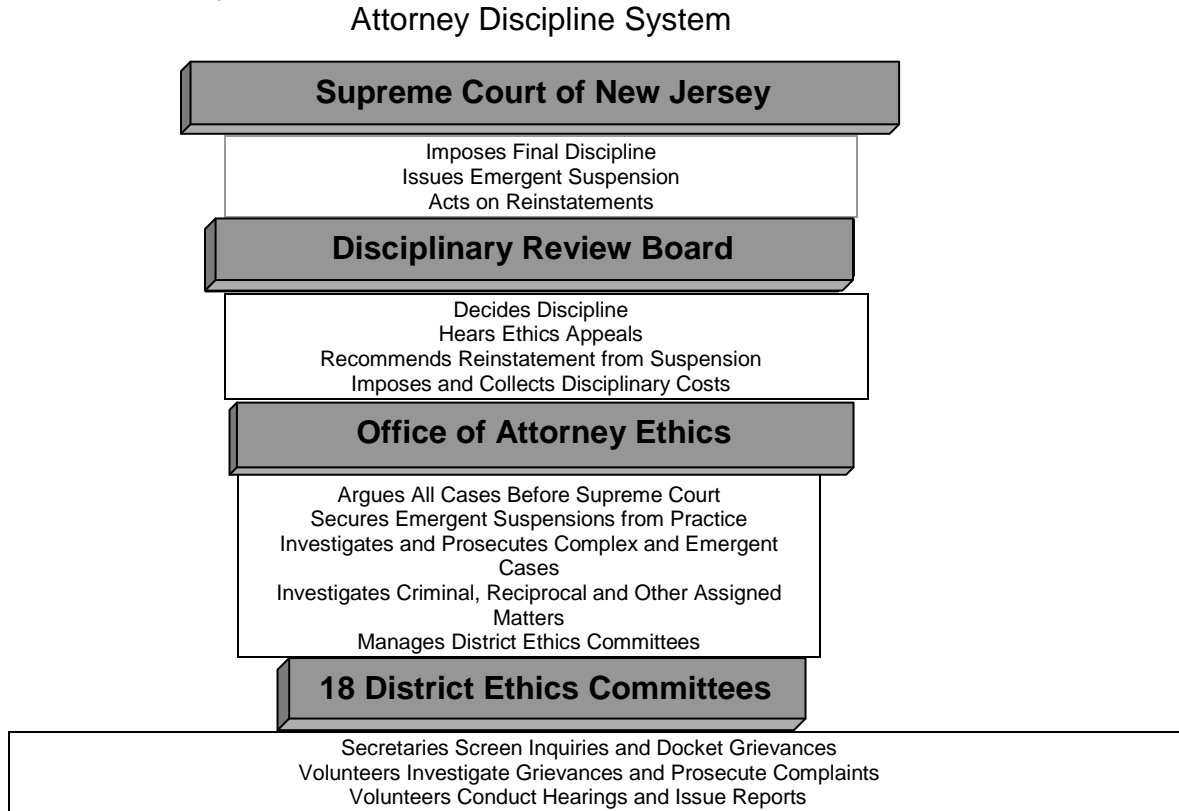


Figure 7

### A. DISTRICT ETHICS COMMITTEES

The first level consists of 18 regionalized volunteer Ethics Committees, supervised and managed by the OAE. They are generally established along single or multiple county lines.

#### 1. *Members and Officers of DEC's*

Ethics Committees consist of volunteer members who investigate, prosecute and decide disciplinary matters. As of September 1, 2013, there were 546 volunteers (453 attorneys and 93 public members) serving *pro bono* across the state. Each Ethics Committee consists of three officers: a chair, the chief executive officer responsible for all investigations; a vice chair, responsible for all cases in the hearing stage; and a secretary (an attorney). The Secretary is not considered a member of the Ethics Committee. Rather, he is the committee administrator. In that capacity, the Secretary receives and screens all inquiries and grievances. The secretary functions as the Ethics Committee'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, like members, serve on a voluntary basis, they receive an annual emolument to defray the expenses related to their duties.

**2013-2014 District Ethics Committee Officers**

CHAIR	VICE CHAIR	SECRETARY
<b>District I - Atlantic, Cape May, Cumberland and Salem Counties</b>		
Joseph A. Levin, Esq.	David S. DeWeese, Esq.	Jacqueline Hawkins Stiles, Esq.
<b>District IIA – Bergen – North</b>		
David M. Repetto, Esq.	Linda J. Schwager, Esq.	Nina C. Remson, Esq.
<b>District IIB - Bergen County – South</b>		
Salvador H. Sclafani, Esq.	Janet B. Lurie, Esq.	Nina C. Remson, Esq.
<b>District IIIA - Ocean County</b>		
Robert J. Ritacco, Esq.	Jerome Turnbach, Esq.	Steven Secare, Esq.
<b>District IIIB - Burlington County</b>		
Mark Caira, Esq.	James J. Morley, J.S.C. (retired)	Cynthia S. Earl, Esq.
<b>District IV - Camden and Gloucester Counties</b>		
Dawnn E. Briddell, Esq.	William A. Nash, Esq.	John M. Palm, Esq.
<b>District VA - Essex County – Newark</b>		
Frank J. DeAngelis, Esq.	Vincent F. Papalia, Esq.	John Zefutie, Esq.
<b>District VB - Essex County - Suburban Essex</b>		
Louis D. Balk, Esq.	Kelly M. Mattheiss, Esq.	Paula I. Getty, Esq.
<b>District VC - Essex County - West Essex</b>		
Cheryl H. Burstein, Esq.	Martin Bearg, Esq.	Jay M. Silberner, Esq.
<b>District VI - Hudson County</b>		
Alan Molina, Esq.	Ilene S. Miklos, Esq.	Jack Jay Wind, Esq.
<b>District VII - Mercer County</b>		
Jennifer Weisberg Millner, Esq.	Peter F. Kelly, Esq.	Alan G. Frank, Jr., Esq.
<b>District VIII - Middlesex County</b>		
Glynn J. Dwyer, Jr., Esq.	Willard C. Shih, Esq.	Manny Gerstein, Esq.
<b>District IX - Monmouth County</b>		
James D. Carton, IV, Esq.	Bunce D. Atkinson, Esq.	Joseph M. Casello, Esq.
<b>District XA – East Morris and Sussex Counties</b>		
Matthew P. O'Malley, Esq.	Helen E. Tuttle, Esq.	Caroline Record, Esq.
<b>District XB – West Morris and Sussex Counties</b>		
Moiria E. Colquhoun, Esq.	Catherine Riordan, Esq.	Caroline Record, Esq.
<b>District XI - Passaic County</b>		
Linda Couso Puccio, Esq.	Deborah Jean Massaro, Esq.	Michael Pasquale, Esq.
<b>District XII - Union County</b>		
Susan B. McCrea, Esq.	Michael Margello, Esq.	Michael F. Brandman, Esq.
<b>District XIII - Hunterdon, Somerset and Warren Counties</b>		
Amy Z. Shimalla, Esq.	Timothy P. McKeown, Esq.	Donna P. Legband, Esq.

**Figure 8**

## 2. *Investigations*

Attorney members are assigned to investigate and, if necessary, prosecute grievances docketed with an Ethics Committee.

## 3. *Complaints*

Formal complaints are filed only where the chair determines that there is a reasonable prospect of proving charges against the attorney-respondent by clear and convincing evidence.

## 4. *Hearing Panels*

Three-member hearing panels comprised of two attorneys and one public member of a district ethics committee decide cases after formal complaints have been filed.

## 5. *Office of Attorney Ethics*

The OAE is responsible for overseeing the operations of all Ethics Committees. The OAE also investigates and prosecutes serious, complex and emergent matters statewide as discussed more fully in the “Office of Attorney Ethics” section below.

## **B. DISCIPLINARY REVIEW BOARD**

The second level of the disciplinary system involves the Disciplinary Review Board (Review Board), which is the intermediate appellate tribunal in disciplinary matters. It is usually composed of nine members, however there is currently a vacancy for a public member: Five are lawyers (Chair Bonnie C. Frost, Esq., Vice Chair Edna Y. Baugh, Esq., Bruce W. Clark, Esq., Morris Yamner, Esq. and Anne C. Singer, Esq.), one is a retired Assignment Judge (Hon. Maurice J. Gallipoli) and two are public members (Mr. Robert C. Zmirich and Mr. Thomas J. Hoberman). All Review Board members volunteer their time to the system. The Review Board meets monthly (except August and December) in public session at the Richard J. Hughes Justice Complex, Trenton, to hear oral arguments on recommendations for discipline.

The Review Board’s primary responsibility is to review reports by hearing panels and special ethics masters finding unethical conduct and recommending discipline, and to decide OAE motions for final or reciprocal discipline. If a matter comes to it on a recommendation for admonition, the Review Board may issue a written letter of admonition without scheduling oral argument. Discipline matters recommending reprimand, censure, suspension or disbarment are routinely scheduled for oral argument. The respondent may appear in person or by counsel. The presenter of an Ethics Committee or OAE ethics counsel appears to prosecute the matter. If the Review Board determines that a reprimand or greater discipline should be imposed, its written decision is reviewed by the Supreme Court, which then issues the final Order imposing discipline.

The Review Board also decides other matters, including appeals from dismissals after investigation or hearing and appeals of fee arbitration determinations. It also acts on requests by suspended attorneys to be reinstated to practice. Here, the Review Board’s recommendation goes to the Supreme Court to either grant or deny reinstatement.

OAE ethics counsel appeared before the Review Board during 2013 to argue a total of 63 separate matters. The Review Board’s review is *de novo* on the existing record and no testimony is taken.

## C. SUPREME COURT OF NEW JERSEY

The Supreme Court of New Jersey is the third and highest level of the disciplinary system. Under the State Constitution, the Supreme Court of New Jersey has exclusive authority over the regulation of the practice of law. *N.J. Const.* art. VI, Section II, ¶3. The Supreme Court sets the terms for admission to the practice of law and regulates the professional conduct of attorneys.

The Supreme Court is composed of a Chief Justice and six Associate Justices. Supreme Court Justices are appointed by the Governor and confirmed by the State Senate for an initial term of seven years. On reappointment, they are granted tenure until they reach the mandatory judicial retirement age of 70. The current Chief Justice Stuart Rabner was appointed to the Supreme Court in 2007. The other members of the Supreme Court are Associate Justice Jaynee LaVecchia (appointed in 2000; tenured in 2007); Associate Justice Barry T. Albin (appointed in 2002; tenured in 2009); Associate Justice Anne M. Patterson (appointed in 2012); Justice Faustino J. Fernandez-Vina (appointed in 2014) and Justice Lee Solomon (appointed in 2014). There is currently one (1) vacancy on the Supreme Court.

The Supreme Court hears oral arguments in disciplinary matters at the Richard J. Hughes Justice Complex. Only the Supreme Court can order disbarment of an attorney. In all other matters, the decision of the Review Board becomes final on the entry of a confirmatory order by the Supreme Court, unless it 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 Supreme Court. During 2013, OAE ethics counsel appeared a total of 18 times for oral argument in disciplinary cases. Arguments are televised in real time via streaming video technology over the Internet. Arguments can be accessed from the Judiciary's Website at [www.njcourtsonline.com](http://www.njcourtsonline.com) by clicking on the **WEBCAST** icon.

## D. FINANCING ATTORNEY DISCIPLINE

### 1. *Annual Attorney Registration Fee*

The attorney disciplinary system in New Jersey is funded exclusively from the Supreme Court's annual mandatory registration assessment on lawyers. No taxpayers' monies are used. The assessment constitutes dedicated funds earmarked exclusively for the attorney discipline and fee arbitration systems. *R.1:20-2(b)*. The annual billing also funds the Lawyers' Fund for Client Protection, *R.1:28-2* (which reimburses clients whose monies have been taken by lawyers through dishonest conduct), as well as the Lawyers' Assistance Program (which helps lawyers with alcohol, substance abuse and other problems). For calendar year 2013, the total annual fee assessed for most lawyers (those admitted between 5 to 49 years) was \$199. Of this amount, \$135 was earmarked for attorney discipline, \$50 for the Lawyers' Fund, \$10 for Lawyers' Assistance and \$4 for Continuing Legal Education.

### 2. *Comparison to Other Jurisdictions*

New Jersey attorneys pay among the lowest mandatory annual registration fees in the country. A July 1, 2013, survey prepared by the OAE for the National Organization of Bar Counsel, Inc., showed that New Jersey ranked 5<sup>th</sup> in attorney size (with 91,387 attorneys) out of 51 United States jurisdictions. The survey also demonstrated that the



Garden State ranked 43<sup>rd</sup> (at \$199) in the amount of mandatory fees required to practice. For 2012, New Jersey ranked 6<sup>th</sup> in size and 43<sup>rd</sup> in mandatory annual fees charged.

### 3. *Disciplinary Oversight Committee*

The Supreme Court established a Disciplinary Oversight Committee (Oversight Committee) and charged it with the responsibility to oversee the administration and financial management of the disciplinary system. *R. 1:20B*. One of its primary functions is to review annually the budgets proposed by the OAE and the Review Board and to make recommendations to the Supreme Court in that respect.

The Oversight Committee for 2013 consisted of six attorneys (Michael K. Furey, Esq., Chair, Paris P. Eliades, Esq., Hon. Nesle Rodriguez, Maureen E. Kerns, Esq., Hon. Joel Rosen and Debra Stone, Esq.) and five public members (Mr. Anthony J. Guacci, Vice Chair, Mr. Alonzo Brandon, Jr., Mr. Richard Sackin, Mr. Luis J. Martinez and Mr. Spencer V. Wissinger, III) all of whom serve *pro bono*.

The annual disciplinary budget for calendar year 2013 was \$12,798,117. Fifty-eight percent (58%) was allocated to the OAE and 21% to the Review Board. The balance was apportioned as follows: District Ethics Committees (7%), Random Audit Program (6%), Attorney Registration Program (4%), District Fee Arbitration Committees (3%) and Oversight Committee (1%).

## **E. OFFICE OF ATTORNEY ETHICS**

The Supreme Court created the OAE on October 19, 1983, as the investigative and prosecutorial arm of the Supreme Court in discharging its constitutional authority to supervise and discipline New Jersey attorneys. *N.J. Const.* art VI, Section II, ¶3.

The OAE has programmatic responsibility for 18 Ethics Committees, which investigate and prosecute grievances alleging unethical conduct against attorneys. It also administers 17 District Fee Arbitration Committees (Fee Committees), which hear and determine disputes over legal fees between attorneys and clients. Likewise, the OAE conducts the Random Audit Program (RAP), which undertakes random audits of private law firm trust and business accounts to ensure that mandatory trust recordkeeping practices are followed. The OAE also oversees the collection and analysis of Annual Attorney Registration Statement data, which provides demographic and private practice information about all New Jersey lawyers, including trust and business accounts.

Importantly, the OAE also is vested with exclusive investigative and prosecutorial jurisdiction in certain types of matters, such as emergent, complex or serious disciplinary cases, matters where an attorney has been criminally charged, cases where an attorney is the subject of reciprocal discipline from another United States jurisdiction, matters involving allegations against a sitting Superior Court or Appellate Division judge concerning conduct while the judge was an attorney, multijurisdictional practice matters, charges against in-house counsel, cases where Ethics Committees have not resolved an investigation within a year and any case referred by the Review Board or the Supreme Court. *R. 1:20-2(b)*.

### 1. *OAE Legal Group*

The Supreme Court appoints the OAE Director. On recommendation of the Director, the Supreme Court appoints other ethics counsel. The Director hires all other staff, subject

to the approval of the Chief Justice. The OAE Legal Group consists of a Director, First Assistant, three Assistant Ethics Counsel and eight Deputy Ethics Counsel.

## *2. Administrative Group*

The work of the OAE is ably supported by its Administrative Group. It includes the OAE Administrator, who is responsible for human resources, facilities management, budgeting and accounting services, attorney registration program, reception and public information. She is assisted by an Office Coordinator. Information technology consists of a manager and a network administrator.

## *3. Support Group*

The OAE's Support Group for discipline consists of a legal assistant, secretarial and clerical positions. These positions support attorneys, investigators, auditors and administrative personnel. In addition to secretarial/support services, a number of these staff positions provide information to the public, attorneys and others; issue Certificates of Ethical Conduct; transcribe interviews and demand audits; computerize and update information on all disciplinary cases docketed statewide; enter the results of decisions by the Supreme Court and the Review Board into OAE systems; enter attorney registration data; support the Trust Overdraft Program and the approved trust depositories program; coordinate the use of special ethics masters; administer OAE pool vehicles; and perform bookkeeping functions, together with many other important tasks without which the statewide disciplinary system could not operate.

## *4. Complex Investigative Group*

The OAE's Complex Investigative Group consists of forensic disciplinary auditors and disciplinary investigators, assisted by an investigative aide. William M. Ruskowski is the Chief of Investigations. He is assisted by Assistant Chief Jeanine E. Verdel and Assistant Chief Barbara Galati.

The Complex Investigative Group primarily conducts statewide investigations of complex, serious and emergent matters, reciprocal discipline and criminal and civil charges made against New Jersey lawyers. Cases often involve misappropriation of trust funds, unethical financial and fraudulent conduct, recidivist attorneys and related white-collar misconduct. The group also handles matters where the OAE seeks temporary suspensions of attorneys to protect the public and the Bar.

## *5. District Ethics Group*

The OAE District Ethics Group (OAE's DEC Group) supports the efforts of the 18 volunteer Ethics Committees throughout the state. Assistant Ethics Counsel Paula T. Granuzzo, who serves as the OAE's Statewide Ethics Coordinator, spearheads this group, with Deputy Statewide Ethics Coordinator William B. Ziff. Both are supported by an administrative assistant, a secretary, and a clerk.

The responsibilities of the OAE's DEC Group are broad and include: recruitment of all volunteer members, including screening, appointment and replacement as necessary; conducting annual orientation training and conducting annual meetings of all officers; preparing the District Ethics Committee Manual; providing monthly computer listings of all pending cases to officers; and handling statewide general correspondence, including complaints about processing from grievants and respondents. The Group also assesses conflicts arising at the district level and transfers cases as necessary; continuously communicates with officers regarding committees' compliance with Supreme Court time goals; compiles and reviews monthly and quarterly exception reports from officers;

periodically follows-up with volunteer investigators and hearing panel chairs, as necessary; and provides legal and procedural advice to the DEC volunteer members. The Group also prepares a quarterly DEC Newsletter to educate members; issues Certificates of Appreciation to outgoing members; drafts press releases for incoming and outgoing members; recommends policies necessary to secure goals set by the Supreme Court; and consults with the Director, OAE on an ongoing basis.

## **VII. ATTORNEY FEE ARBITRATION**

### **A. HISTORY AND PURPOSE**

The New Jersey Supreme Court has long recognized that disputes between clients and their attorneys are not always matters of ethics, but sometimes may 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-attorneys) serving on 17 District Fee Arbitration Committees (Fee Committees). These volunteers screen and adjudicate fee disputes between clients and attorneys over the reasonableness of the attorney's fee.

New Jersey's fee system requires 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 ethical 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 forward on a timely basis.

The fee arbitration system began in New Jersey in 1978 as just the second mandatory statewide program in the country, behind 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. Other such programs exist in Alaska, California, District of Columbia, Maine, New York, Montana, North Carolina, South Carolina and Wyoming.

### **B. ADMINISTRATION**

The OAE administers the district fee arbitration system, pursuant to the Rules of the New Jersey Supreme Court. Assistant Ethics Counsel Isabel McGinty is the OAE's Statewide Fee Arbitration Coordinator. The OAE Fee Arbitration Unit was staffed during 2013 by an administrative assistant, with clerical support. The OAE Fee Arbitration Unit oversees recruitment of volunteers for the 17 District Fee Arbitration Committees and provides assistance to the district fee secretaries and to committees in all aspects of fee arbitration cases. As of the start of the term of service on September 1, 2013, there were 288 members of district committees (204 attorneys and 84 public members, in addition to the 17 district fee secretaries, all of whom are attorneys) serving *pro bono* across the state.

### **C. STRUCTURE**

The fee arbitration process is a two-tiered system. The fee arbitration hearings are conducted before hearing panels of the 17 District Fee Arbitration Committees (**Figure 9**), with appeals heard before the Disciplinary Review Board of the Supreme Court.

**2013-14 District Fee Committee Officers**

CHAIR	VICE CHAIR	SECRETARY
<b>District I - Atlantic, Cape May, Cumberland and Salem Counties</b>		
Marian E. Haag, Esq.	Demetrica Todd-Hunter, Esq.	Michael A. Pirolli, Esq.
<b>District IIA – Bergen – North</b>		
Robert F. Davies, Esq.	Robert L. Garibaldi, Esq.	Terrence J. Corrison, Esq.
<b>District IIB - Bergen County – South</b>		
Joshua T. Buckner, Esq.	Brian E. Shea, Esq.	Michael J. Sprague, Esq.
<b>District IIIA - Ocean County</b>		
Claire Marie Calinda, Esq.	Debra M. Himber, Esq.	Lisa E. Halpern, Esq.
<b>District IIIB - Burlington County</b>		
Kathleen P. Stockton, Esq.	John M. Cinti, Esq.	Albert M. Afonso, Esq.
<b>District IV - Camden and Gloucester Counties</b>		
Michael D. Fioretti, Esq.	Patrick J. Madden, Esq.	Daniel McCormack, Esq.
<b>District VA - Essex County – Newark</b>		
Kimberly K. Holmes, Esq.	Robert D. Kuttner, Esq.	Jodi Rosenberg, Esq.
<b>District VB - Essex County - Suburban Essex</b>		
Richard Goldstein, Esq.	Peter A. Greene, Esq.	Harvey S. Grossman, Esq.
<b>District VC - Essex County - West Essex</b>		
Andrew D. Borg, Esq.	Kenneth J. Fost, Esq.	Peter J. Kurshan, Esq.
<b>District VI - Hudson County</b>		
James F. Ryan, Jr., Esq.	Cataldo F. Fazio, Esq.	Marvin R. Walden, Jr., Esq.
<b>District VII - Mercer County</b>		
Thomas Letizia, Esq.	Rachel Usher Doobraj, Esq.	Patricia M. Graham, Esq.
<b>District VIII - Middlesex County</b>		
Paula A. Menar, Esq.	Deborah A. Rose, Esq.	William P. Isele, Esq.
<b>District IX - Monmouth County</b>		
Vincent E. Halleran, Esq.	Michael A. Irene, Jr., Esq.	Robert J. Saxton, Esq.
<b>District X - Morris and Sussex Counties</b>		
Catherine Romania, Esq.	Allen P. Langjahr, Esq.	Patricia L. Veres, Esq.
<b>District XI - Passaic County</b>		
Paul A. Massaro, Esq.	John J. Piserchia, Esq.	Jane E. Salomon, Esq.
<b>District XII - Union County</b>		
Steven J. Luckner, Esq.	Lisa M. Black, Esq.	Carol A. Jeney, Esq.
<b>District XIII - Hunterdon, Somerset and Warren Counties</b>		
Christopher A. Emmi, Esq.	[Vacancy]	Olivier J. Kirmser, Esq.

**Figure 9**

### 1. *Filing for Fee Arbitration*

The process begins when a client submits a completed Attorney Fee Arbitration Request Form to the district fee secretary of the Fee Committee in a district where the attorney maintains an office. The client must submit the two-page form, along with the \$50 filing fee, for the process formally to commence. Both the client and attorney are required to pay the \$50 administrative filing fee.

The district secretary must determine whether the Fee Committee has jurisdiction to hear the fee dispute. For example, if the fee is disputed in a matter in which no attorney's services have been rendered for more than six years since the last date on which services were rendered, then the district secretary must decline jurisdiction. The district secretary may decline jurisdiction as a matter of discretion in cases where the total fee charged exceeds \$100,000, excluding out-of-pocket expenses and disbursements. The categories of cases wherein the district secretary must or may decline jurisdiction are specified by *R. 1:20A-2*.

After the district secretary docket the case, the secretary will send the Attorney Fee Response Form to the attorney, who must return the completed form and the \$50 filing fee within the time limit set by Court Rule. The attorney and the client both have the opportunity to submit any documentation and/or records relevant to the matter, including the attorney's bill, any written fee agreement, and any time records. If the attorney named by the client should allege that any other attorney or law firm should be liable for all or a part of the client's claim, the original attorney may take steps to have that attorney or firm joined in the proceedings, in accord with *R. 1:20A-3(b)(2)*. Thereafter, the matter would be set down for a fee arbitration hearing.

### 2. *Arbitration Hearings*

In cases involving fees of \$3,000 or more, the matter is typically heard before panels of at least three members, usually composed of two attorneys and one public member. Fee Committees have been composed of both attorneys and public members since April 1, 1979. If the total amount of the fee charged is less than \$3,000, the hearing may be held before a single attorney member of the Fee Committee.

Hearings are scheduled on at least ten days' written notice. There is no discovery. All parties have the power of subpoena, however, subject to rules of relevancy and materiality. No stenographic or other transcript of the proceedings is maintained. The burden of proof in fee matters is on the attorney to prove, by a preponderance of the evidence, that the fee charged is reasonable.

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.

### 3. *Appeals*

The Court Rules allow a limited right of appeal to the Disciplinary Review Board, under *R. 1:20A-3(c)*. The limited grounds for appeal are:

- 1) failure of a member to be disqualified in accordance with *R. 1:12-1*;
- 2) substantial failure of the Fee Committee to comply with procedural requirements of the Court Rules or other substantial procedural unfairness that led to an unjust result;

- 3) actual fraud on the part of any member of the Fee Committee; and
- 4) palpable mistake of law by the Fee Committee, which led to an unjust result.

Either the attorney or the client may take an appeal within 21 days after receipt of the Fee Committee’s written determination by filing a notice of appeal in the form prescribed by the Disciplinary Review Board. All appeals are reviewed by the Disciplinary Review Board on the record. Its decision is final. There is no right of appeal to the Supreme Court. Following expiration of the time limit for filing the appeal, and unless the decision of the Fee Committee has been reversed on appeal by the Disciplinary Review Board, the decision of the Fee Committee in the form of the written Arbitration Determination becomes final and binding on the parties. *R.1:20A-2(a)*.

**D. ANNUAL CASELOAD**

In 2013, Fee Committees handled a total of 1,619 matters, including new cases submitted and those which reached a disposition during that year. The committees began the year with 570 cases pending from 2012. During the year, 1,049 new matters were added. **Figure 10.** A total of 1,018 cases were disposed of, leaving a balance of 601 matters pending at year’s end. At the conclusion of 2013, the average number of cases pending before each of the 17 Fee Committees was 35.3 cases per district, but that number includes all matters, even those filed in late December.

The 1,049 new filings received in 2013 involved claims against roughly 1% of the active New Jersey attorney population (71,578), since some attorneys or law firms were named in several cases involving multiple clients. Some areas of practice (matrimonial, in particular) involve high billings for legal fees, following protracted litigation which may involve years of billings. Many such cases are filed as fee arbitration disputes per year. For a more nuanced view of what these numbers may indicate, the number of fee arbitration cases filed with the district committees each year (1,049 in 2013) may be compared with the hundreds of thousands of legal matters filed with the courts, and the hundreds of thousands of non-litigated matters (real estate, wills, business transactions and government agency matters, etc.) handled annually in other forums. The number of fee arbitration filings is a very small percentage of the total attorney-client transactions. This comparison supports the conclusion that clients sought fee arbitration of the attorneys’ bills in a very small percentage of the total cases handled in the year by all New Jersey attorneys on their clients’ behalf.

**Changes in Fee Disputes**

Year	Filings	Change	Overall
2013	1,049	17.2%	-3.8%
2012	895	-2.9%	
2011	922	-18%	
2010	1,124	2%	
2009	1,102	1%	
2008	1,091	--	

**Figure 10**

*1. Financial Results*

During 2013, District Fee Committees arbitrated or settled matters involving a total of close to \$11.3 million in legal fees this year, which represents no change from the \$11.3 million in legal fees handled during 2012. 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 District Fee Committee. The numbers do not reflect those requests which were withdrawn almost immediately by the clients each year.

Of the cases which proceeded to a hearing, Fee Committees conducted 604 hearings during 2013, involving more than \$10 million in total attorneys’ fees charged. In 33% of

the cases (198 hearings), the hearing panels upheld the attorney fees in full. In the balance of 67% of the fee cases (370 hearings), the hearing panels reduced the attorney fees by a total of \$1.7 million, which represents 26% of the total billings subject to reduction (\$1.75 million out of the total of \$6.7 million subject to reduction).

For an overview of the amounts at issues, the 370 cases in which the attorney fee was reduced by the hearing panel may be broken into the following categories:

- \$0 to \$1,000 – 110 cases
- \$1,001 to \$2,000 – 84 cases
- \$2,001 to \$5,000 – 81 cases
- \$5,000 to \$10,000 – 55 cases
- \$10,001 to \$20,000 – 23 cases
- \$20,001 to \$50,000 – 15 cases
- Over \$50,000 – 2 cases

For *all* cases which proceeded to a hearing with an Arbitration Determination issued by the hearing panel, the average amount billed was \$17,333. The median amount billed was \$8,579. The average amount of the reductions in all cases which proceeded to an Arbitration Determination was \$4,720, with a median reduction amount of \$2,000.

It should be noted that the parties reached settlement without a hearing in an additional 254 cases, including 4 in which the amount of the attorney fees in dispute exceeded \$50,000. The total fees at issue in the cases settled by the parties involved nearly \$800,000 in attorney fees. The attorneys agreed to a reduction in fees without going to a hearing in 103 of those cases (40.6% of the total cases settled by stipulation).

## 2. *Age of Caseload*

The length of time that it may take for a fee arbitration case to proceed to disposition may depend on many factors, including the availability of the parties, the panelists, the witnesses, and any interpreter (if needed) for the hearing, as well as whether the hearing may be completed on a single hearing date. The parties may seek to submit additional documentation following the hearing, which would then be available to both sides for review and additional argument, if needed and allowed by the hearing panel. Changes in leadership of the district committees may affect the pace of dispositions, particularly when new attorneys have been appointed to the position of district secretary in some of the districts with the largest caseloads in the State. Fluctuations in the number of cases filed also affect disposition rates, because of the limits on the number of cases that may be expected within reason to proceed to a hearing before the panels of volunteers in any given month.

Of 1,017 cases which proceeded from file-opening to case-closing in calendar year 2013, 60% reached disposition in fewer than 180 days (615 out of 1,017 total cases). The Fee Committees resolved 47 more cases in that interval than during the preceding calendar year, when only 568 cases out of a total caseload of 805 were resolved in under 180 days. The data for 2013 shows that the Fee Committees handled more cases overall (and resolved those cases on a faster-paced schedule) than during the preceding calendar year. One-hundred and fifty (150) of the total cases resolved during 2013 were resolved within 60 days of filing. For 2012, only 106 cases were resolved that quickly.



## **E. NATURE OF CASES**

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 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) have consistently generated the most fee disputes (37%) on average. Criminal matters (including indictable, quasi-criminal and municipal court cases) ranked second in frequency (14%). Third place was filled by General Litigation at 12%. Real Estate and Contract matters closely follow, in that order, at roughly 5% each. The overall filings fit into an additional 20 legal practice areas.

## **F. ENFORCEMENT**

The 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 Arbitration Determination or a stipulation of settlement. This follow-up has been required in 20 to 30 cases per year, over the past 5 years. The attorney receives from the OAE a warning letter, if the attorney does not pay 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. The motion would be heard by the Disciplinary Review Board, which would then send the recommendation of suspension to the Supreme Court. The Supreme Court has ordered roughly five 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.

## VIII. RANDOM AUDIT PROGRAM

### A. PURPOSE

#### 1. *Safeguarding Public Confidence*

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 Random Audit Compliance Program (RAP) has been conducting financial 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. Only eight (8) other states have 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).

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 \$3 billion dollars in primary attorney trust accounts ("IOLTA" trust accounts) alone. Even more money is controlled by Garden State 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 thirty-two years after RAP first began, the conclusion is that the overwhelming majority of private New Jersey law firms (98.6%) account for clients' funds honestly and without incident. While technical accounting deficiencies are found and corrected, the fact is that only 1.4% of the audits conducted over that period have found serious ethical 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 handle monies entrusted to their care faithfully.

#### 2. *Auditing Objectives*

The central objectives of the Random Audit Program are to insure compliance with the Supreme Court's stringent 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. While 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 law firms where it occurs. Since the random selection process results, by definition, in selecting a representative cross-section of the New Jersey Bar, a few audits inevitably uncover lawyer theft and other serious unethical conduct, even though this is not the primary purpose of the program.

## **B. ADMINISTRATION**

The OAE administers RAP. The staff is managed by Chief Auditor Robert J. Prihoda, Esq., C.P.A., who joined the OAE in 1981. Other staff include Assistant Chief Auditor Mary E. Waldman, who is a Certified Fraud Examiner; two Senior Random Auditors: Mimi Lakind, Esq. and Karen J. Hagerman, a Certified Fraud Examiner; and Random Auditor Tiffany Keefer.

## **C. RANDOMNESS AND SELECTION**

A primary key to the integrity of RAP lies in the assurance that no law firm is chosen for audit except by random selection using a computer program based on a Microsoft Corporation algorithm for randomness. The identifier used for the law firm in the selection process is the main law office telephone number. The Supreme Court approved this methodology in 1991 as the fairest and most unbiased selection process possible, because it insures that each law firm, regardless of size, has an equal chance of being selected.

## **D. STANDARDS FOR ACCOUNTING**

New Jersey Recordkeeping Rule 1:21-6 has provided attorneys with detailed guidance on handling trust and business accounts for more than 45 years. It is the uniform accounting standard for all audits. This Rule, which incorporates generally accepted accounting principles, also specifies in detail the types of accounting records that must be maintained and their location. It also requires monthly reconciliations, prohibits overdraft protection and the use of ATM's 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 random audit personnel. The confidentiality of all audited records is maintained at all times.

## **E. AUDITING PROCEDURES**

### *1. Scheduling*

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

### *2. Record Examination*

The auditor conducts an initial interview with the managing 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 managing attorney in an exit conference to review and explain the findings. At that time, 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 easier.

### 3. *Notice of Deficiency*

The deficiency checklist is followed by a letter confirming the exit conference and describing any shortcomings for which corrective action is necessary. A certification of corrections 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 administratively. If the letter is not received, a final ten-day letter advises that, if no confirming letter is received within ten days, a disciplinary complaint will be issued. When a complaint is filed, discipline is the uniform result. *In re Schlem*, 165 N.J. 536 (2000).

## F. COMPLIANCE THROUGH EDUCATION

All lawyers receive an annual attorney registration statement requiring private practitioners to list their primary trust and business accounts and to certify compliance with the recordkeeping requirements of *R.1:21-6*, a reproduction of which is included with the mailing. The Random Audit Program also publishes a brochure entitled *New Jersey Attorney's Guide to the Random Audit Program*. Since 1996, that brochure is sent to all law firms with the initial random scheduling letter. Detailed information on the program is also available on the OAE's website.

## G. DISCIPLINARY ACTIONS

Each year RAP's staff of experienced auditors uncovers a small, but significant, number of cases of lawyer theft and other serious financial violations. This past year, the following four (4) attorneys detected solely by RAP were finally disciplined by the Supreme Court (**Figure 11**).

2013 RAP Sanctions				
Attorney	County	Sanction	Citation	Violation
Matthew J. Cavaliere	Passaic	Censure	216 N.J. 90	Misrepresentation
Charles D. Petrone	Burlington	Admonition	Unreported	Recordkeeping
Raymond T. Roche	Essex	Disbarment by Consent	Unreported	Knowing Misappropriation
Andrew D. Schildiner	Bergen	Disbarment by Consent	216 N.J. 165	Knowing Misappropriation

**Figure 11**

During the thirty-two years of RAP's operation, serious financial misconduct by 169 attorneys was detected solely as a result of being randomly selected for audit. These attorneys received the following discipline: 82 attorneys were disbarred; 16 were suspended for periods of three months to two years; 8 were censured; 45 were reprimanded; and 18 received admonitions. The vast majority of the matters detected were very serious disciplinary cases that resulted in disbarment or suspension. Disbarred (82) and suspended (16) attorneys account for almost six in ten of all attorneys disciplined attorneys as a result of RAP's efforts (58%). However, discipline alone does not adequately emphasize the full importance of RAP's role over the past 32 years and the monies potentially saved as a result by the Lawyers' Fund for Client

Protection (Fund). One need only contemplate how many more millions of dollars might have continued to be misappropriated during this period if RAP had not detected and disciplined these attorneys when it did. Moreover, deterrence is acknowledged to be a factor in all true random programs (e.g., bank examiner's audits, DWI checkpoints, etc.). While it is not easy to quantify either the number of attorneys who were deterred or the tens of millions of dollars in thefts that may have been prevented due to a credible and effective random program, the positive effect is, nevertheless, an important and undeniable component of this effort.

## IX. ATTORNEY REGISTRATION

### A. ATTORNEY POPULATION

As of the end of December 2013, there were a total of 93,757 attorneys admitted to practice in the Garden State according to figures from the Lawyers' Fund for Client Protection (**Figure 12**). Historically, New Jersey has been among the faster growing lawyer populations in the country. This may be attributable to its location in the populous northeast business triangle between New York, Philadelphia and Washington, D.C. The total number of lawyers added to the bar population increased by 2.59% in 2013. With a general population of 8,899,339, there is now one lawyer for every 95 Garden State citizens.

According to a July 1, 2013 survey compiled by the OAE for the National Organization of Bar Counsel, Inc., a total of 1,915,329 lawyers were admitted to practice in the United States. New Jersey ranked 5th out of 51 jurisdictions in the total number of lawyers admitted, or 4.77% of the July national total.

**Attorneys Admitted**

Year	Number
1948	8,000
1960	9,000
1970	11,000
1980	21,748
1990	43,775
2000	72,738
2005	77,434
2010	87,639
2011	89,673
2012	91,387
2013	93,757

**Figure 12**

### B. ADMISSIONS

As of December 31, 2013, the attorney registration database counted a total of 95,500<sup>1</sup> New Jersey-admitted attorneys. Sixty-five percent (65%) were admitted since 1991 and 20.7% were admitted between 1981 -1990. The other fourteen percent (14.2%) were admitted in 1980 or earlier.

Breakdowns by periods are: 1950 and earlier - 234 (.25%); 1951-1960 - 953 (1%); 1961-1970 - 3,026 (3.2%); 1971-1980 - 9,321 (9.8%); 1981-1990 - 19,739 (20.7%); 1991-2000 - 25,305 (26.5%); and 2001-2013 - 36,922 (38.7%).

<sup>1</sup> This figure does not equal the total attorney population as calculated by the Lawyers' Fund for Client Protection because the Lawyers' Fund 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.

Year Admitted		
<1950	234	0.25%
1951-1955	361	0.38%
1956-1960	592	0.62%
1961-1965	994	1.04%
1966-1970	2,032	2.13%
1971-1975	4,204	4.40%
1976-1980	5,117	5.36%
1981-1985	7,982	8.36%
1986-1990	11,757	12.31%
1991-1995	13,178	13.80%
1996-2000	12,127	12.70%
2001-2005	12,196	12.77%
2006-2010	15,023	15.73%
2010-2013	9,703	10.16%
<b>Totals</b>	<b>95,500</b>	<b>100.00%</b>

**Figure 13**

**C. ATTORNEY AGE**

Of the 95,500 attorneys for whom some registration information was available, 94,872 (99.3%) provided their date of birth. A total of 628 attorneys (.6%) did not respond to this question.

Attorneys in the 40-49 age range comprised the largest group of attorneys admitted to practice in New Jersey at more than twenty-five percent (25.3% or 24,040). The 30-39 year category comprised 24.2% or 22,965 lawyers. Almost twenty-two percent (21.6% or 20,502) were between the ages of 50-59. The fewest numbers of attorneys were in the following age groupings: 29 and under (8.8% or 8,298), 60-69 (13.6% or 12,940) and 70 and older (6.5% or 6,127). (**Figure 14**)

AGE GROUPS		
Age	Number	Percent
< 25	113	0.12%
25-29	8,185	8.63%
30-34	12,165	12.82%
35-39	10,800	11.38%
40-44	11,828	12.47%
45-49	12,212	12.87%
50-54	11,033	11.63%
55-59	9,469	9.98%
60-64	7,334	7.73%
65-69	5,606	5.91%
70-74	3,018	3.18%
75-80	1,401	1.48%
> 80	1,708	1.80%
<b>Totals</b>	<b>94,872</b>	<b>100.00%</b>

**Figure 14**

**D. OTHER ADMISSIONS**

Seventy-six percent (76%) of the 95,500 attorneys for whom some registration information was available were admitted to other jurisdictions. Twenty-four percent (24%) of all attorneys were admitted only in New Jersey.

OTHER ADMISSIONS		
Admissions	Attorneys	Percent
Only In New Jersey	23,003	24.62%
Additional Jurisdictions	70,444	75.38%
<b>Totals</b>	<b>93,447</b>	<b>100.00%</b>

**Figure 15**



## ADMISSIONS IN OTHER JURISDICTIONS

<u>Jurisdiction</u>	<u>Admissions</u>	<u>Percent</u>	<u>Jurisdiction</u>	<u>Admissions</u>	<u>Percent</u>
New York	40,489	43.33%	Nevada	107	0.11%
Pennsylvania	24,535	26.26%	West Virginia	96	0.10%
District of Col.	6,669	7.14%	Vermont	85	0.09%
Florida	3,236	3.46%	Kentucky	83	0.09%
California	1,765	1.89%	South Carolina	82	0.09%
Connecticut	1,551	1.66%	Rhode Island	76	0.08%
Massachusetts	1,415	1.51%	New Mexico	74	0.08%
Maryland	1,171	1.25%	Oregon	73	0.08%
Delaware	744	0.80%	Hawaii	70	0.07%
Virginia	702	0.75%	Alabama	59	0.06%
Illinois	658	0.70%	Virgin Islands	53	0.06%
Texas	538	0.58%	Kansas	45	0.05%
Georgia	499	0.53%	Iowa	41	0.04%
Colorado	442	0.47%	Oklahoma	39	0.04%
Ohio	406	0.43%	Puerto Rico	32	0.03%
North Carolina	319	0.34%	Arkansas	28	0.03%
Arizona	274	0.29%	Mississippi	28	0.03%
Michigan	269	0.29%	Utah	26	0.03%
Minnesota	174	0.19%	Montana	25	0.03%
Missouri	164	0.18%	Alaska	24	0.03%
Washington	147	0.16%	Idaho	17	0.02%
Wisconsin	134	0.14%	North Dakota	13	0.01%
Tennessee	130	0.14%	South Dakota	8	0.01%
Louisiana	128	0.14%	Guam	3	0.00%
Maine	119	0.13%	Nebraska	0	0.00%
Indiana	109	0.12%	Wyoming	0	0.00%
New Hampshire	108	0.12%	Invalid Responses	5,365	5.74%
			<b>Total</b>		
			<b>Admissions</b>	<b>93,447</b>	<b>100.00%</b>

**Figure 16**

### **E. PRIVATE PRACTICE**

Of the 95,500 attorneys on whom registration information was tabulated, 36,668 stated that they engaged in the private practice of New Jersey law, either from offices within New Jersey or at locations elsewhere. For a detailed breakdown of the locations of offices (primarily New Jersey, Pennsylvania, New York and Delaware), see **Figure 17**. Thirty-eight percent (38.4%) of the attorneys engaged in the private practice of New Jersey law, while sixty-two percent (61.6%) did not practice in the private sector.

Of those who engaged in the private practice of New Jersey law, almost sixty percent (59.7%) practiced full-time, twenty percent (20.1%) rendered legal advice part-time and nearly eighteen percent (17.9%) engaged in practice occasionally (defined as less than 5% of their time). A little over two percent (2.3%) of responses were unspecified.

**Private Practice of New Jersey Law**

<b>Response</b>	<b>Number</b>	<b>Percent</b>
<b>NO</b>	58,832	61.60%
<b>YES</b>	36,668	38.40%
Full-time	21,888	
Part-time	7,373	
Occasionally	6,566	
Unspecified	841	
<b>Total</b>	<b>95,500</b>	<b>100%</b>

**Figure 17**

*1. Private Practice Firm Structure*

Of the 36,668 attorneys who indicated they were engaged in the private practice of New Jersey law, 96.7% (35,453) provided information on the structure of their practice. Over thirty-three percent (33.1%) of the responding attorneys practiced in sole proprietorships (sole practitioners (10,608) plus sole stockholders (1,112)). The next largest group was partners at 28.4% (10,065), associates at 28.3% (10,030), followed by other than sole stockholders with 3.87% (1,373) and attorneys who were of counsel with 6.4% (2,265).

**Private Firm Structure**

<b>Structure</b>	<b>Number</b>	<b>Percent</b>
Sole Practitioner	10,608	29.92%
Sole Stockholder	1,112	3.14%
Other		
Stockholders	1,373	3.87%
Associate	10,030	28.29%
Partner	10,065	28.39%
Of Counsel	2,265	6.39%
<b>Total</b>	<b>35,453</b>	<b>100.00%</b>

**Figure 18**

*2. Private Practice Firm Size*

More than ninety-five percent (95.9%, or 35,160) 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. Almost one-third (32.1%, or 11,296) said they practiced

alone; 9.7% (3,407) worked in two-person law firms; 14.1% (4,960) belonged to law firms of 3-5 attorneys; 26.3% (9,258) were members of law firms with 6-49 attorneys and 17.7% (6,239) worked in firms with 50 or more attorneys.

PRIVATE FIRM SIZE		
Firm Size	Number	Percent
One	11,296	32.13%
Two	3,407	9.69%
3 to 5	4,960	14.11%
6 to 10	3,365	9.57%
11 to 19	2,514	7.15%
20 to 49	3,379	9.61%
50 >	6,239	17.74%
<b>Total</b>	<b>35,160</b>	<b>100.00%</b>

**Figure 19**

3. *Private Practice Law Firm Number*

No exact figures exist on the number of law firms that engage in the private practice of New Jersey law. Nevertheless, a reasonably accurate estimate can be made based on the 36,668 attorneys who indicated they engaged in the private practice of New Jersey law. A total of 35,160 (95.9%) indicated the size of their law firm. In each firm size category that was non-exclusive (i.e., other than 1 or 2), the total number of attorneys responding was divided by the mid-point in that category. For firms in excess of 50 attorneys, the total number of attorneys responding was divided by 50. Three-quarters of all law firms (75.1%) were solo practice firms, while just 5.4% had 6 or more attorneys.

Number of Law Firms				
Size Of Law Firm	Number Of Attorneys	Firm Size Midpoint	Number Of Firms	Individual Category %
One	11,296	1	11,296	75.06%
Two	3,407	2	1,704	11.32%
3 to 5	4,960	4	1,240	8.24%
6 to 10	3,365	8	421	2.80%
11 to 19	2,514	15	168	1.11%
20 to 49	3,379	35	97	0.64%
50 >	6,239	50	125	0.83%
<b>Total</b>	<b>35,160</b>		<b>15,049</b>	<b>100.00%</b>

**Figure 20**

4. *Bona Fide New Jersey Offices*

New Jersey attorneys are no longer required to maintain a bona fide office in New Jersey. Nevertheless, seventy-nine percent (79%) of New Jersey attorneys (28,937) have a bona fide office in the state. Twenty-one percent (21%) of New Jersey attorneys

(7,672) had offices located in other jurisdictions: New York 10.4% (3,817), Pennsylvania 9.2% (3,381), Delaware less than 1% (92), and various other United States jurisdictions represent -1% (382), while less than one percent (.59) failed to indicate their state.

<b>ATTORNEYS WITH BONA FIDE OFFICES</b>					
<b>County</b>	<b>Number</b>	<b>Percent</b>	<b>County</b>	<b>Number</b>	<b>Percent</b>
Atlantic	650	2.24%	Middlesex	1,825	6.31%
Bergen	3,590	12.40%	Monmouth	1,995	6.89%
Burlington	1,366	4.72%	Morris	3,303	11.41%
Camden	2,906	10.04%	Ocean	765	2.64%
Cape May	174	0.60%	Passaic	892	3.08%
Cumberland	171	0.59%	Salem	57	0.20%
Essex	4,682	16.18%	Somerset	995	3.44%
Gloucester	401	1.38%	Sussex	224	0.77%
Hudson	1,045	3.61%	Union	1,531	5.29%
Hunterdon	325	1.12%	Warren	151	0.58%
Mercer	1,883	6.50%	No County Listed	5	0.01%
<b>Total</b>			<b>28,936</b>	<b>100.00%</b>	

**Figure 21**

5. *Bona Fide Private Office Locations*

Of the 28,936 attorneys engaged in private practice of New Jersey law from offices located within this state, 99.9% (28,931) indicated the New Jersey County in which their primary bona fide office was located, while 5 attorneys did not. Essex County housed the largest number of private practitioners with 16.2% (4,682), followed by Bergen County with 12.4% (3,590). Morris County was third at 11.4% (3,303) and Camden County was fourth with 10% (2,906).

<b>BONA FIDE PRIVATE OFFICE LOCATIONS</b>		
<b>State</b>	<b>Number</b>	<b>Percent</b>
<b>New Jersey</b>	28,937	78.92%
<b>Pennsylvania</b>	3,381	9.22%
<b>New York</b>	3,817	10.41%
<b>Delaware</b>	92	0.25%
<b>Other</b>	382	1.04%
<b>No State Listed</b>	59	0.16%
<b>Total</b>	<b>36,668</b>	<b>100%</b>

**Figure 22**