

2012

State of the

Attorney Disciplinary

System Report



Honorable 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

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**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 twenty-ninth issue of the State of the Attorney Disciplinary System Report. Highlights of the report include:

- Almost five percent more attorneys were disciplined this year (179) than last year (171).
- New investigations decreased by three percent (1,349) from last year's filings (1,392).
- New formal complaints (and other charging documents) decreased by twenty-five percent (238) over last year (317).
- OAE's investigative time goal compliance increased from 83% for 2011 to 84% for 2012.
- District Ethics Committees increased their time goal compliance to 78% for 2012 from 76% for 2011.
- OAE ethics counsel appeared before the Supreme Court in 27 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 382 audits of law firms in 2012.
- Six lawyers detected by the Random Audit Program received final discipline, including two disbarments.
- As of December 31, 2012, the attorney population was 91,387 – one attorney for every 97 New Jersey citizens.
- The Garden State ranks 6th in the nation in the number of attorneys admitted to practice.
- New Jersey ranks 40th in the country (at \$199) in annual attorney licensing fees charged.
- Twelve lawyers were disciplined (seven disbarred) in 2012 due to the Trust Overdraft Notification Program.

As these highlights show, the Office of Attorney Ethics and the entire disciplinary system are committed to preserving the confidence of the public in our attorney disciplinary and fee arbitration systems.

Respectfully submitted,

A handwritten signature in black ink that reads "Charles Centinaro". The signature is written in a cursive, flowing style.

Charles Centinaro, Director
Office of Attorney Ethics

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I. THE YEAR IN REVIEW

A. INCREASES IN EFFICIENCY

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. During 2012, the OAE continued to make progress toward improving the efficiency of its operations and those of the District Ethics Committees (Ethics Committees) it oversees.

1. INVESTIGATIONS

a. Improvement in Time Goal Compliance

For the fourth year in a row, the OAE and the Ethics Committees increased compliance with the Supreme Court's time goals for investigating cases. The OAE increased time goal compliance from a yearly average of 83% to 84%, and the Ethics Committees increased their average time goal compliance for the year from 76% to 78%.

b. Reduction in Age of Investigations

Also for the fourth year in a row, the OAE decreased the average time in which it investigates its cases. The average was reduced from 155 days for 2011 to 154 days for 2012. The Ethics Committees reduced the average age of their pending investigations by almost one week, from 138 days to 132 days.

c. Reduction in Backlog

The OAE continued to reduce its backlog in 2012. Specifically, the OAE reduced the average percentage of backlogged investigations it handles by one percentage point. The percentage of investigations over one year old was 8%. Similarly, the Ethics Committees reduced their average backlog percentage by two percentage points and the average age of their backlogged investigations by one (1) day.

d. Decrease in Investigations

In 2012, slightly fewer new investigations were added to the joint docket of the OAE and Ethics Committees than in 2011. Specifically, 1,349 new investigations were commenced in 2012, as opposed to 1,392 investigations in 2011. Stated differently, new investigations decreased by 3.1% in 2012.

2. HEARINGS

a. Age of Hearings

In 2012, the average time it took for the OAE to complete hearings on the complaints it filed increased by 2.5 months. This was due primarily to the increased number of complaints that were filed in 2011, but not scheduled for hearings or tried until 2012. Also contributing to the delay was the retirement of one senior attorney whose position was not filled for several months. However, the Ethics Committees completed their hearings an average of .4 months faster.

b. Decrease in Complaints

In 2012, the OAE and Ethics Committees filed fewer complaints than in 2011. Two hundred and thirty eight (238) complaints were added in 2012, representing a decrease of 25% from the 317 complaints

filed in 2011. The number of complaints filed in 2012 is consistent with the number of complaints filed between 2006 and 2010.

B. 3rd 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 3rd annual conference was held at The Conference Center at Mercer County Community College on October 4, 2012.

Administrative Office of the Courts' Acting Administrative Director Glenn A. Grant 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. He spoke of the importance of attorney regulation and thanked everyone for their service.

Judge Grant's remarks were followed by ten workshops designed to meet the specific training needs of all those involved in the screening, investigation, prosecution, and adjudication of attorney disciplinary matters. Over 217 attendees submitted evaluation forms in which they described the workshops as informative, helpful and well-presented.

C. DISCIPLINE

A total of 179 attorneys were sanctioned by the New Jersey Supreme Court in 2012. (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 2011, 171 attorneys were sanctioned. Therefore, 4.7% more 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 by clear and convincing evidence. Investigations include communicating with the respondent-attorney, the grievant and any necessary witnesses, as well as securing necessary records and documents.

2. CONFIDENTIALITY

Pursuant to New Jersey Court Rule 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 all non-public documents. R. 1:20-9(i). However, the 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 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 2012 with a statewide total of 997 investigations carried over from prior years. During the year, 1,349 new investigations were added for a total disposable caseload of 2,346. A total of 1,267 investigations were completed and disposed of, leaving 1,079 pending investigations at year's end. There were 697 active pending investigations as of the end of 2012.

During 2012, the number of grievances docketed and assigned for investigation (1,349) decreased by 3.1% compared to the 1,392 new filings recorded in 2011. In comparison to five years ago, the number of grievances docketed in 2012 decreased by 3.2%. (Figure 1).

Changes In Investigations

Year	Filings	Change	Overall
2012	1,349	-3.1%	-3.2%
2011	1,392	-2.7%	
2010	1,431	-3%	
2009	1,476	5.9%	
2008	1,394	---	

Figure 1

Lawyer-Grievance Analysis

Year	Filings	Lawyers*	Percent
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%
2008	1,394	67,181	2.07%

* Active Lawyers – Source: Lawyers’ Fund for Client Protection

Figure 2

The number of attorneys against whom grievances are docketed for investigation is generally a small percentage of the total lawyer population. In 2012, only 1.88% of the 71,578 active lawyers as of December 31, 2012 had grievances docketed against them. (Figure 2). This figure has remained relatively stable over the past five years.

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 most 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 2011 was 83%. The average investigative time goal compliance rate increased to 84% for 2012, and was as high as 87% during the year. The average time goal compliance rate at the Ethics Committee level increased from 76% for 2011 to 78% for 2012.

In addition to increasing time goal compliance, the OAE reduced the average time in which it investigates cases from an average of 155 days for 2011 to an average of 154 for 2012. Similarly, the Ethics Committees reduced the average age of their pending investigations by almost one week, from 138 days in 2011 to 132 days for 2012. The average age of the Ethics Committees’ investigations was as low as 120 days during the year.

An increase in time goal compliance results in a corresponding decrease in the percentage of investigations in backlog. The OAE reduced the percentage of backlogged investigations by 1%.

The Ethics Committees also were successful in reducing their backlog by two percentage points. In addition, the District Ethics Committees reduced the average age of their backlogged investigations from 290 days for 2011 to 289 days 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 2012 with a total of 275 complaints carried over from prior years. During the year, 238 new complaints were added for a total disposable caseload of 513. A total of 281 complaints were completed and disposed of through the hearing process, leaving 232 pending

complaints at year's end. Of that number, 37 were in untriable status, leaving an active pending caseload of 195 complaints.

The number of new formal complaints filed in 2012 (238) decreased by 25% over 2011 (240). For the most recent five-year period, new formal complaints increased overall by 25.9%. (Figure 3).

Changes In Complaints

Year	Filings	Change	Overall
2012	238	-25%	25.9%
2011	317	32%	
2010	240	3%	
2009	233	23.3%	
2008	189	---	

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 court reporter makes a verbatim record of the entire proceeding. 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.

4. AGE OF DISPOSED HEARINGS

In 2012, the OAE took an average of 2.5 months longer to complete its hearings than in 2011. (491 days for 2011 compared to 567 days for 2012). This can be attributed to the larger number of hearings being handled by the OAE in 2012 compared to earlier years. The Ethics Committees, however, concluded their hearings .4 months faster than the previous year (250 days in 2011 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. 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 27 times for oral argument in discipline cases in 2012. Arguments are streamed in real time over the Internet and can be accessed at the Judiciary's Website -- www.njcourtsonline.com -- by clicking on the WEBCAST icon.

This year, the Supreme Court imposed final discipline on 139 New Jersey attorneys. Prior years' totals were: 136 in 2011, 136 in 2010 and 148 in 2009. Figure 5 at page 18 contains a list of all final and emergent discipline, as well as all reinstated attorneys for 2012.

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 Rule 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)(2). 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 139 final sanctions imposed in 2012 include 15 disbarments by Order of the Supreme Court, 16 disbarments by consent of the respondent, no revocations, 26 term suspensions, no indeterminate suspensions, no suspended suspensions, 13 censures, 31 reprimands and 38 admonitions.

Comparisons of 2012 sanctions with the prior year are as follows: disbarments by Order of the Supreme Court increased by 87.5% (15 vs. 8); disbarments by consent decreased by 15.8% (16 vs. 19); no attorneys' licenses were revoked; term suspensions decreased by 10.3% (26 vs. 29); censures decreased by 58.1% (13 vs. 31); reprimands increased by 29.2% (31 vs. 24); and admonitions increased by 52% (38 vs. 25).

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 2012, a total of 40 attorneys were the subject of emergent sanctions (40 temporary suspensions and 0 license restrictions). This represents an increase of 14.3% from the total last year, when 35 emergent actions were taken (33 temporary suspensions and 2 license restrictions). Prior years' results were: 2010 (24 total – 22 temporary suspensions and 2 license restrictions); 2009 (25 total – 23 temporary suspensions and 2 license restrictions); and 2008 (20 total – 18 temporary and 2 license restrictions). During that five-year period, an average of 28.8 lawyers was subject to emergent action. The names of attorneys emergently disciplined are listed in **Figure 5**.

In 2012, the leading reasons for emergent discipline were: an attorney's conviction of a "serious crime," as defined in R. 1:20-13 at 40% (16 cases); non-payment of fee arbitration committee awards at 20% (8 cases); non-cooperation with disciplinary authorities at 10% (4 cases); and knowing misappropriation of clients' trust funds at 10% (4 cases).

D. TOTAL DISCIPLINE

In total, 179 attorneys were sanctioned by the New Jersey Supreme Court in 2012, whereas 171 attorneys were sanctioned in 2011. Therefore, 4.7% more attorneys were disciplined than one year ago. Sanction totals for previous years were as follows: 160 in 2010; 173 in 2009; and 187 in 2008. The average number of sanctions over the past five years is 174. The number of attorneys sanctioned in 2012 is 2.8% higher than this five-year average.

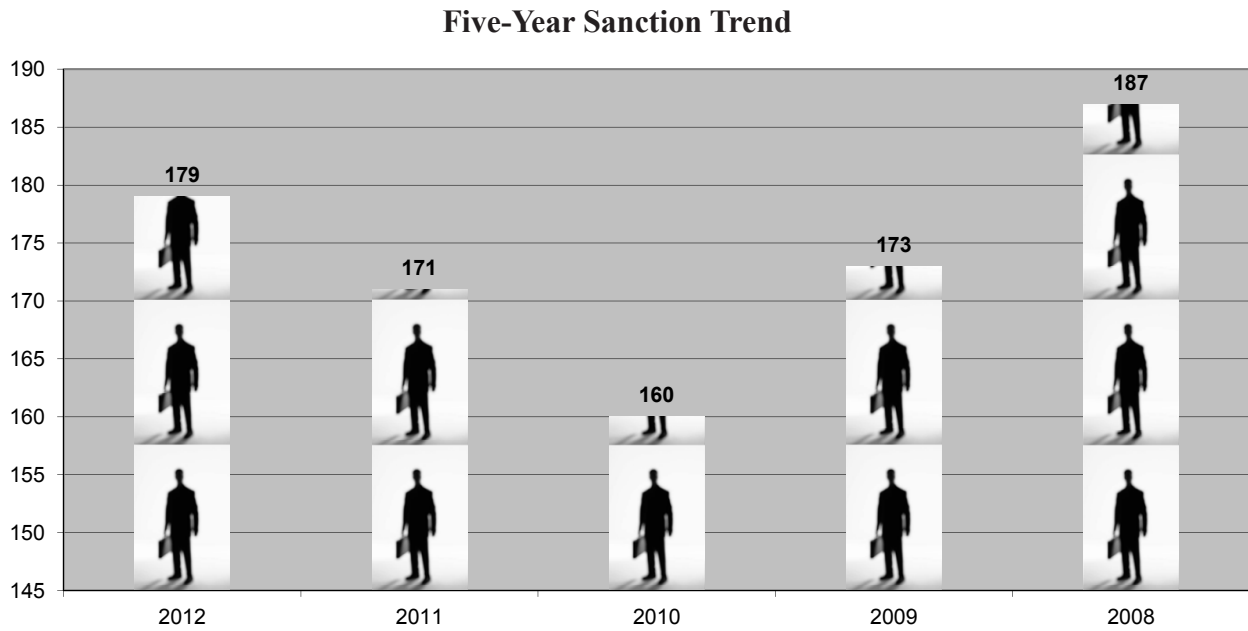


Figure 4

**YEARLY DISCIPLINE REPORT AND SUMMARIES
OFFICE OF ATTORNEY ETHICS
(1/1/2012 TO 12/31/2012)**

DISBARMENT (15)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Augustin, Steeve J.	2002	Essex	01/26/2012	01/26/2012
Brookman, Kenneth H.	1956	Passaic	01/06/2012	01/06/2012
Burak, Donald Stuart	1985	Pennsylvania	01/06/2012	01/06/2012
Cameron, Duncan Gordon	1991	Bergen	02/01/2012	02/01/2012
Fellenz, Kim Andre	1982	Monmouth	09/12/2012	09/12/2012
Gloeser, Arthur R.	1981	Camden	03/09/2012	03/09/2012
Izquierdo, Jose A. II	2002	Hudson	01/12/2012	01/12/2012
Kim, Yong-Wook	2005	New York	09/12/2012	09/12/2012
La Vergne, Eugene M.	1990	Monmouth	11/07/2012	11/07/2012
Mahoney, Anthony M.	1972	Middlesex	01/12/2012	01/12/2012
Manzi, Nicholas R.	1993	Passaic	03/16/2012	03/16/2012
Provost, Timothy J.	1980	Monmouth	03/02/2012	03/02/2012
Sirkin, Kenneth Paul	1999	Florida	09/12/2012	09/12/2012
Takacs, John G.	1985	Camden	09/12/2012	09/12/2012
Tunney, John A.	1988	Middlesex	03/16/2012	03/16/2012

DISBARMENT BY CONSENT (16)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Bellotti, Mark Joseph	1983	Monmouth	08/07/2012	08/07/2012
Chan, Alexander	2001	New York	10/05/2012	10/05/2012
Cummings, George Stewart II	2010	Morris	10/09/2012	10/09/2012
David, Earl Seth	1988	Ocean	06/14/2012	06/14/2012
De Palma, Robert John	1988	Monmouth	10/24/2012	10/24/2012
Doherty, Stephen Greg	1992	Pennsylvania	04/26/2012	04/26/2012
Fruehling, James Kenneth	1991	Morris	10/17/2012	10/17/2012
Goldman, Steven F.	1984	Somerset	01/13/2012	01/13/2012
Iler, Alexander M.	2007	Monmouth	07/05/2012	07/05/2012
Jaekel, William C.	1973	Bergen	09/21/2012	09/21/2012
Kell, Kenneth Harry	1989	Camden	08/23/2012	08/23/2012
Naselsky, Charles M.	1985	Pennsylvania	12/31/2012	12/31/2012
Osmond, Jeffrey P.	1993	Pennsylvania	10/04/2012	10/04/2012
Santarlas, Brien P.	2003	Hoboken	05/02/2012	05/02/2012
Urbano, Eric	2000	Matawan	10/05/2012	10/05/2012
Vecchione, Andrew P.	1969	Monmouth	09/24/2012	09/24/2012

SUSPENSION TERM (26)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Brady, Terence Sean - 3 Mo.	1988	Burlington	09/20/2012	06/06/2011
Braunstein, Neil Howard - 12 Mo.	1995	Fanwood	05/09/2012	05/09/2012
Carlin, Kevin Joseph - 12 Mo.	1985	Mercer	01/25/2012	01/25/2012
Carlin, Kevin Joseph - 24 Mo.	1985	Mercer	12/06/2012	01/26/2013
Chambers, Owen - 3 Mo.	2000	Middlesex	03/09/2012	04/09/2012
Davidson, Marvin S - 12 Mo.	1969	Essex	10/17/2012	09/08/2011
Delgado-Shafer, Dorca Iris - 36 Mo.	2002	Camden	05/02/2012	11/18/2012
Franco, Randi Kern - 3 Mo.	1991	Morris	12/05/2012	01/04/2013
Franco, Robert Achille - 3 Mo.	1989	Morris	12/05/2012	01/04/2013
Furino, Ralph V. Jr- 3 Mo.	1981	Middlesex	05/02/2012	05/02/2012
Furino, Ralph V. Jr- 3 Mo.	1981	Middlesex	05/02/2012	08/03/2012
Gensib, Carl David - 6 Mo.	1990	Middlesex	03/09/2012	04/09/2012
Kaminsky, Jerrold N. - 3 Mo.	1977	Middlesex	09/12/2012	10/11/2012
Kaplan, Rachel Dale - 3 Mo.	1992	Bergen	01/06/2012	02/06/2012
Klein, Michael Scott - 36 Mo.	1994	Pennsylvania	01/11/2012	01/11/2012
Lowenstein, Joseph J. - 3 Mo.	1985	Passaic	10/18/2012	01/24/2010

Figure 5

Main, Kevin H. - 24 Mo.	1988	Mercer	06/08/2012	06/08/2012
Manolakis, Peter E. - 3 Mo.	1987	Florida	12/05/2012	01/13/2009
Payton, Ben W. - 3 Mo.	1992	Union	10/17/2012	10/17/2012
Rosenthal, Scot D. - 12 Mo.	1988	Passaic	01/06/2012	02/06/2012
Russo, Thomas M. - 3 Mo.	1982	Union	10/04/2012	11/02/2012
Saint-Cyr, Elaine T. - 24 Mo.	1993	Morris	07/19/2012	07/19/2012
Shapiro, Terry L. - 36 Mo.	1974	Essex	03/22/2012	06/04/2012
Sinko, Michael D. - 36 Mo.	1977	Camden	05/09/2012	05/09/2012
Swidler, Arthur E. - 3 Mo.	1985	Mercer	07/18/2012	07/18/2012
Yates, Mark G. - 3 Mo.	1980	Hunterdon	09/26/2012	10/26/2012

CENSURE (13)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Ansetti, Vincent M.	2005	Hudson	09/12/2012	09/12/2012
Falzone, John Michael Jr	1984	Middlesex	03/09/2012	03/09/2012
Felsen, Stuart David	1993	Morris	11/05/2012	11/05/2012
Fox, Daniel James	1986	Essex	06/07/2012	06/07/2012
Gensib, Carl David	1990	Middlesex	11/29/2012	11/29/2012
Giannini, Joseph R.	1984	California	12/07/2012	12/07/2012
Gross, Neil Lawrence	1994	Morris	05/02/2012	05/02/2012
Heubel, Richard C.	1977	Hudson	06/07/2012	06/07/2012
La Russo, Anthony J.	1969	Essex	09/20/2012	09/20/2012
Perone, Patrick N.	1992	Ocean	03/09/2012	03/09/2012
Saint-Cyr, Elaine T.	1993	Morris	06/07/2012	06/07/2012
Singer, Clifford B.	1984	Bergen	06/28/2012	06/28/2012
Wigenton, Kevin P.	1992	Monmouth	04/03/2012	04/03/2012

PUBLIC REPRIMAND (31)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Bernot, Robert J.	1982	Hunterdon	05/02/2012	05/02/2012
Blakely, Marvin	1985	Morris	01/25/2012	01/25/2012
Bonfiglio, Peter Joseph III	1987	Gloucester	11/05/2012	11/05/2012
Brandmayr, Ronald J. Jr.	2002	Monmouth	12/06/2012	12/06/2012
Cardillo, Cathy Christina	1997	Hudson	12/19/2012	12/19/2012
Cha, Juhong J.	2005	Bergen	01/25/2012	01/25/2012
Curreri, Paul James	1987	Passaic	11/05/2012	11/05/2012
Dahl, Terence John	2003	Bergen	12/06/2012	12/06/2012
Davis, Nathaniel Martin	1996	Essex	02/10/2012	02/10/2012
Deitch, Marc Adam	1991	Middlesex	03/09/2012	03/09/2012
Del Tufo, Douglas Joseph	1997	Morris	05/22/2012	05/22/2012
Di Ciurcio, John David	1997	Camden	09/20/2012	09/20/2012
Di Ciurcio, William Thomas II	1987	Camden	09/20/2012	09/20/2012
Diaz, Nelson	1987	Camden	02/08/2012	02/08/2012
Egenberg, Howard L.	1974	Bergen	09/06/2012	09/06/2012
Fell, Joseph Jerome	1992	Somerset	07/18/2012	07/18/2012
Flynn, Richard M.	1978	Camden	02/14/2012	02/14/2012
Gormally, Charles X.	1979	Essex	12/19/2012	12/19/2012
Jaffe, Mark H.	1988	Mercer	07/18/2012	07/18/2012
Jay, Stuart W.	1987	Gloucester	05/24/2012	05/24/2012
Jeney, Robert Joseph Jr.	1984	Union	01/25/2012	01/25/2012
Kane, Thomas	2001	Mercer	12/06/2012	12/06/2012
Kardash, Gleb I.	2001	Morris	05/02/2012	05/02/2012
Kobin, Robert Douglas	1986	Morris	10/17/2012	10/17/2012
Lane, Joseph C.	1992	Monmouth	05/29/2012	05/29/2012
Lentz, Eric S.	1976	Essex	07/19/2012	07/19/2012
Mergus, Athan M.	1991	Bergen	05/30/2012	05/30/2012
Rosen, Peter	1969	Morris	01/26/2012	01/26/2012
Tinghino, Lawrence M.	1994	Bergen	06/06/2012	06/06/2012
Weichsel, John L.	1972	Bergen	11/05/2012	11/05/2012
Yoelson, Mara	1994	Princeton	09/06/2012	09/06/2012

ADMONITION (38)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Alfieri, Salvatore	1983	Monmouth	05/24/2012	05/24/2012
Armour, Raymond	1994	Essex	03/19/2012	03/19/2012
Baran, Tama Vail	1991	Burlington	07/05/2012	07/05/2012
Bardis, Constantine	1999	Monmouth	06/07/2012	06/07/2012
Block, Barry S.	1979	Somerset	01/30/2012	01/30/2012
Bush, Edward Benjamin	1984	Ocean	05/22/2012	05/22/2012
De Palma, Nicholas V.	1973	Essex	02/17/2012	02/17/2012
Farmer, George L.	1996	Atlantic	03/27/2012	03/27/2013
Fowler, Brian Francis	1987	Bergen	04/27/2012	04/27/2012
Fuggi, Shauna Marie	1992	Ocean	02/17/2012	02/17/2012
Grow, Jeffrey R.	1975	Morris	03/26/2012	03/26/2012
Hallett, Steve	1991	Mercer	07/25/2012	07/25/2012
Howell, Christopher T.	2003	Essex	02/21/2012	02/21/2012
Iamurri, Fernando	1987	Morris	07/25/2012	07/25/2012
Johnson, George W.	1965	Morris	03/22/2012	03/22/2012
Kang, Na-Kyung	2008	Bergen	03/23/2012	03/23/2012
Kurzrok, Morris J.	1977	Ocean	07/20/2012	07/20/2012
Lender, Jeffrey S.	2001	New York	01/30/2012	01/30/2012
Mc Manus, William E II	1982	Florida	02/27/2012	02/27/2012
Privetera, Lora M.	1992	Ocean	02/21/2012	02/21/2012
Rabbat, Victor K.	1984	Passaic	03/22/2012	03/22/2012
Roeber, David Leonard	1997	Ocean	04/24/2012	04/24/2012
Rusen, Paul E.	1994	Morris	03/15/2012	03/15/2012
Saluti, Gerald M.	1992	Essex	01/20/2012	01/20/2012
Tykulsker, David A.	1983	Essex	04/24/2012	04/24/2012
Uzor, Ejike Ngozi	2008	Union	05/29/2012	05/29/2012
Verduga, Vanessa D.	2006	Hudson	01/25/2012	01/25/2012
Washington, Ronald L.	1987	Georgia	07/27/2012	07/27/2012
Zucker, Leonard B.	1959	Union	04/23/2012	04/23/2012
Balliette, Anthony J.	2000	Cape May	12/11/2012	12/11/2012
Durant, Aurelia M.	1999	Georgia	12/06/2012	12/06/2012
Gonzalez, Ralph Alexander	1987	Camden	11/16/2012	11/16/2012
Hargrave, John W.	1977	Camden	10/25/2012	10/25/2012
Howes, William Timothy	1989	Somerset	10/01/2012	10/01/2012
Melletz, Paul R.	1963	Camden	11/16/2012	11/16/2012
Oliver, Raymond A.	1979	Warren	11/27/2012	11/27/2012
Smith, Sean Alden	2001	Essex	12/19/2012	12/19/2012
Vespi, Damon Anthony	1998	Passaic	10/02/2012	10/02/2012

TOTAL FINAL DISCIPLINE..... 139

TEMPORARY SUSPENSION (40)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Bellotti, Mark Joseph	1983	Monmouth	03/06/2012	03/06/2012
Boyman, Christopher D.	1987	Union	02/06/2012	02/06/2012
Bozeman, Wayne D.	2006	Pennsylvania	02/10/2012	02/10/2012
David, Earl Seth	1988	Ocean	04/10/2012	04/10/2012
De Seno, Thomas	1990	Middlesex	06/11/2012	06/11/2012
Del Tufo, Douglas Joseph	1997	Morris	07/27/2012	07/27/2012
Desai, Rakesh J	1996	Essex	12/05/2012	12/05/2012
Desoky, Ahmad Lotf	2007	Bergen	03/01/2012	03/01/2012
Di Giacomo, Paul David	1996	Morris	09/14/2012	09/14/2012
Goldsmith, Jeff H.	1984	Bergen	02/06/2012	02/06/2012
Grasso, Donald J.	1972	Ocean	05/10/2012	05/10/2012

Gross, Neil Lawrence	1994	Morris	10/23/2012	10/23/2012
Horowitz, Victor J.	1982	Middlesex	11/07/2012	12/07/2012
Iler, Alexander M.	2007	Monmouth	05/02/2012	05/02/2012
Kell, Kenneth Harry	1989	Camden	06/28/2012	06/28/2012
Kellner, Stuart A.	1975	Somerset	08/28/2012	08/28/2012
Kinnard, Stephen Douglas	1985	Hunterdon	02/06/2012	02/06/2012
Koufos, John G.	2003	Monmouth	03/22/2012	03/22/2012
Kurts, John E.	1979	Burlington	06/11/2012	06/11/2012
Levitis, Michael	2000	New York	03/15/2012	03/15/2012
May, Isadore H.	1985	Atlantic	05/10/2012	05/10/2012
Mc Gowan, Joseph F. Jr.	1986	Camden	09/20/2012	09/20/2012
Mongelli, Joseph T.	1990	Bergen	05/09/2012	05/09/2012
Moses, Keith O.	1990	Hudson	06/29/2012	06/29/2012
Nilsen, Tobin G.	1982	Atlantic	04/19/2012	04/19/2012
Oliver, Raymond A.	1979	Warren	02/06/2012	02/06/2012
Orlovsky, Dale S.	1973	Ocean	05/11/2012	05/11/2012
Palfy, Marc Z	1999	Monmouth	09/27/2012	10/26/2012
Pastor, Sergio Rafael	1998	Union	08/28/2012	08/28/2012
Patel, Chirayu A	1996	Bergen	12/05/2012	12/05/2012
Phillips, Duane T.	1993	Atlantic	01/23/2012	01/23/2012
Rothman, Robert E.	1977	Bergen	05/10/2012	05/10/2012
Senick, Michael R.	1973	Bergen	02/27/2012	02/27/2012
Stein, Robert W.	1994	Pennsylvania	05/09/2012	05/09/2012
Szymanski, Thomas A.	1984	Monmouth	04/23/2012	05/23/2012
Tiffany, John E.	1992	Bergen	02/08/2012	02/08/2012
Viteritto, Frank A.	1975	Essex	05/23/2012	05/23/2012
Vreeland, Robert M.	1989	Essex	04/23/2012	04/23/2012
Walch, Anita L	1989	Hudson	09/27/2012	10/26/2012
Yusem, Richard S.	1977	Somerset	01/02/2012	01/02/2012

TOTAL TEMPORARY DISCIPLINE 40

REINSTATEMENTS (12)

<u>ATTORNEY</u>	<u>SUSPENDED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
Adams, Jeffrey M.	07/27/2012	New York	07/27/2012	07/27/2012
Becker, Avrohom	11/10/2005	New York	04/03/2012	04/03/2012
Boyer, David Wayne	04/25/2012	Mercer	04/25/2012	04/25/2012
De Seno, Thomas	06/11/2012	Middlesex	11/28/2012	11/28/2012
Del Tufo, Douglas Joseph	07/27/2012	Morris	09/18/2012	09/18/2012
Diamond, Howard S	11/01/2005	Morris	10/24/2012	10/24/2012
Etkin, Michael S.	01/04/2012	Essex	04/04/2012	04/04/2012
Gensib, Carl David	04/09/2012	Middlesex	11/29/2012	11/29/2012
Goldsmith, Jeff H.	02/06/2012	Bergen	03/02/2012	03/02/2012
Moses, Keith O.	06/29/2012	Hudson	07/19/2012	07/19/2012
Phillips, Duane T.	01/23/2012	Atlantic	04/17/2012	04/17/2012
Szymanski, Thomas A.	05/23/2012	Monmouth	06/11/2012	06/11/2012

TOTAL REINSTATEMENTS 12

STATISTICAL SUMMARY OF DISCIPLINE IMPOSED

ALL FINAL DISCIPLINE	139
ALL TEMPORARY DISCIPLINE	40
ALL REINSTATEMENTS.....	12

IV. GROUNDS FOR FINAL DISCIPLINE

The type of misconduct committed in final discipline cases is shown in **Figure 6**.

A. GROSS AND PATTERNED NEGLIGENCE

Gross and patterned neglect at 18% (25 of 139 cases) was the most common offense for which attorneys were disciplined in 2012. 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 also in first place last year, accounting for 25% of all sanctions.

B. KNOWING MISAPPROPRIATION

Knowing misappropriation of trust funds at 14.4% (20 of 139 cases) ranked as the second most common cause for discipline this year. This category was also the second most common reason for lawyer sanctions in 2011 at 15.4%.

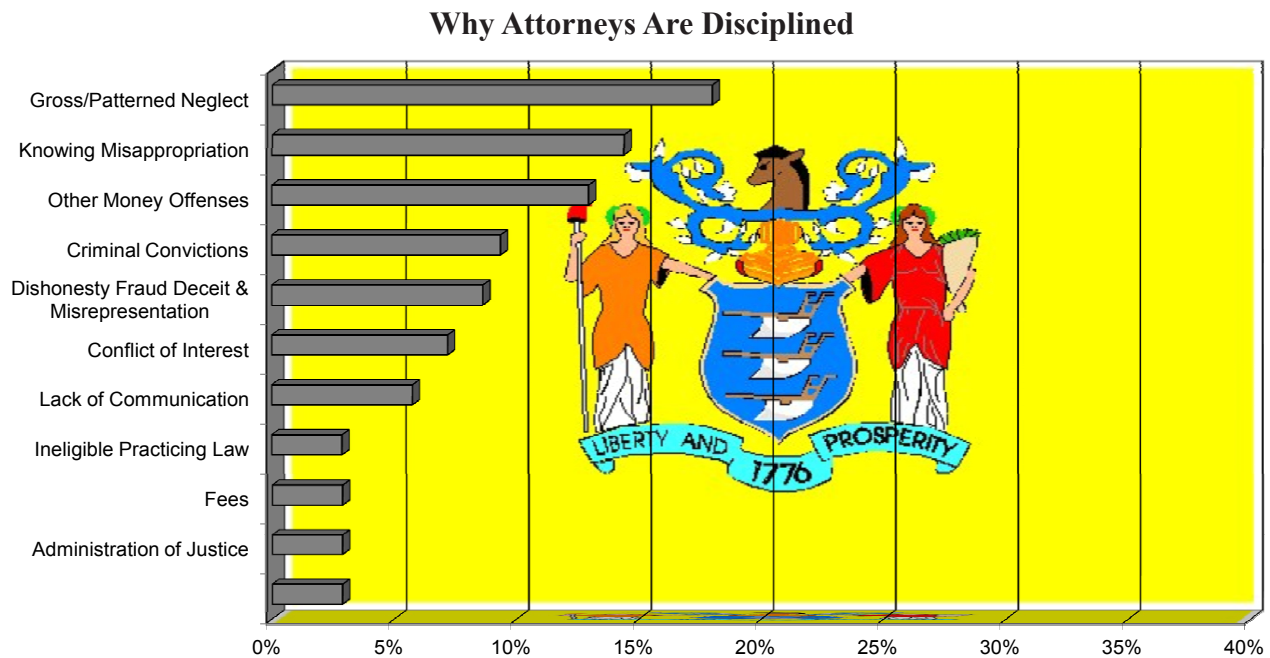


Figure 6

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 funds and that the client has not authorized their 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 26 years of its existence, the Overdraft Program has been the sole reason for the discipline of 155 New Jersey lawyers. One half of the attorneys (50%) so disciplined were disbarred. In 2012, twelve (12) attorneys were detected and disciplined through this program: Steeve Augustin from Essex County was disbarred; Kim Andre Fellenz from Monmouth County was disbarred; Arthur Gloeser from Gloucester County was disbarred; Yong-Wook Kim from Bergen County was disbarred; Nicholas Manzi from Passaic County was disbarred; John Takacs from Camden County was disbarred; Eric Urbano from Monmouth County was disbarred by consent; Ronald J. Brandmayr from Monmouth County was reprimanded; Adam Marc Deitch from Middlesex County was reprimanded; Douglas Joseph Del Tufo from Morris County was reprimanded; Constantine Bardis from Monmouth County was admonished; and Steve Hallett from Mercer County was admonished.

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 31 years of its operation, a total of 165 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, six (6) attorneys were disciplined for committing serious financial violations: John M. Falzone, Jr. from Middlesex County was censured; William C. Jaekel from Bergen County was disbarred by consent; Morris J. Kurzrok from Ocean County was admonished; Athan M. Mergus from Bergen County was reprimanded; Andrew P. Vecchione from Monmouth County was disbarred by consent; and Kevin P. Wigenton from Monmouth County was censured.

C. OTHER MONEY OFFENSES

In third place this year was the category of “Other Money Offenses” at 12.9% (18 of 139 cases). These cases include negligent or reckless misappropriation, serious trust account recordkeeping deficiencies, and failure to safeguard funds and escrow violations. Last year, this category was also the third most frequent reason for discipline at 13.9%.

D. CRIMINAL CONVICTIONS

In 2012, the category of “Criminal Convictions” (excluding misappropriation, fraud and drug convictions) ranked fourth at 9.4% (13 of 139 cases). Last year, this category was in sixth place at 5.9%.

E. DISHONESTY, FRAUD, DECEIT AND MISREPRESENTATION

In fifth place this year was the grouping of dishonesty, fraud, deceit and misrepresentation (whether resulting from criminal or disciplinary findings), which accounted for 8.6% (12 of 139 cases). In 2011, this group ranked fourth at 11%.

F. CONFLICT OF INTEREST

“Conflict of Interest” came in sixth place, accounting for 7.2% (10 of 139 cases) of all discipline cases. This group was in fifth place in 2011 at 6.6%.

G. LACK OF COMMUNICATION

“Lack of Communication” is the category that came in seventh place with 5.7% (8 of 139 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 also in seventh place in 2011 at 5.1%

H. INELIGIBLE PRACTICING LAW

The grouping “Ineligible Practicing Law” was in eighth place this year at 2.9% (4 of 139 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 and 2011.

I. FEES

Tied for eighth place at 2.9% (4 of 139 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.

J. ADMINISTRATION OF JUSTICE

Also tied for eighth place was “Administration of Justice”, which accounted for 2.9% (4 of 139 cases) of all discipline cases. While this category was not on the list last year, it did appear in 2008, 2006 and 2005.

Summaries of each of the 139 final discipline cases can be found in **Figure 7**.

2012 DISCIPLINARY SUMMARIES

Salvatore Alfieri – Admonished on May 24, 2012 (210 *N.J.* 213) for conducting an affair with his client's wife while still periodically representing his client's business. Daniel G. Giaquinto appeared before the DRB for District VII and respondent appeared pro se.

Vincent M. Ansetti - Censured on September 12, 2012 (212 *N.J.* 66) for his conduct as the settlement agent of two real estate transactions. In the first, respondent engaged in a business transaction with his client without advising the client in writing of the desirability of seeking independent counsel and without obtaining his client's written informed consent to the representation. He also engaged in conduct involving dishonesty, fraud, deceit or misrepresentation for certifying as accurate a false HUD-1 form. In the second transaction, respondent committed negligent misappropriation when he failed to record a disbursement from his attorney trust account and continued to make mortgage payments for the client, resulting in an invasion of other client funds. He also engaged in conduct involving dishonesty, fraud, deceit or misrepresentation for certifying as accurate a false HUD-1 form. HoeChin Kim appeared before the DRB for the OAE and Brian H. Corrigan appeared on behalf of respondent.

Raymond Armour - Admonished (strongly) on March 19, 2012 (*Unreported*) for failing to keep clients in personal injury matters reasonably informed about the status of their matters and for failing to respond to reasonable requests for information. Additionally, respondent failed to explain that a certain amount of the settlements would be withheld for the payment of medical expenses, did not promptly notify the clients of the receipt of settlement funds and did not promptly disburse their share of the proceeds. Joanna Piorek represented District VA before the DRB and John D. Arseneault represented respondent.

Steeve J. Augustin – Disbarred on January 26, 2012 (208 *N.J.* 594) for knowingly misappropriating trust account funds held by him in connection with a real estate closing and for repeatedly using his attorney trust account as collateral for gambling markers. Walton W. Kingsbery, III appeared before the Supreme Court for the OAE and Alan Dexter Bowman appeared for the respondent.

Anthony J. Balliette - Admonished on December 11, 2012 (*Unreported*) for lack of diligence, failure to promptly turn over funds to lien holder (Medicaid) following the settlement of an estate, and practicing law while on the ineligible list due to nonpayment of the Lawyers' Fund for Client Protection assessment. Melissa A. Czartoryski appeared before the DRB for the OAE and respondent appeared pro se.

Tama Vail Baran – Admonished on July 5, 2012 (210 *N.J.* 553) for representing a client in a municipal court matter while engaging in an affair with the client's husband. Daniel G. Giaquinto appeared before the DRB for District VII and respondent appeared pro se.

Constantine Bardis - Admonished on June 7, 2012 (210 *N.J.* 253) for negligent misappropriation of client trust funds, record keeping violations and failure to supervise a non-lawyer employee. Melissa A. Czartoryski appeared before the DRB for the OAE and Ronald M. Gutwirth represented respondent.

Mark Joseph Bellotti – Disbarred by consent on August 7, 2012 (211 *N.J.* 272) following his plea in Monmouth County Superior Court to one count of second degree conspiracy and one count of second degree theft by deception. Michael J. Sweeney represented the OAE and Milton Bouhoutsos, Jr. represented the respondent.

Robert J. Bernot – Reprimanded on May 2, 2012 (210 *N.J.* 117) for his conduct in representing a debtor in litigation commenced by creditors. Respondent did not make clear to the client the limited extent of his representation, in violation of RPC 1.4(c), and failed to communicate the basis or rate of fee in writing, in violation of RPC 1.5(b). Tara Johnson appeared before the DRB for District XIII and the respondent appeared pro se.

Marvin Blakely – Reprimanded on January 25, 2012 (208 *N.J.* 589) for negligently misappropriating client funds by over disbursing \$12,111.46 in a real estate matter due to his failure to maintain client ledger cards, receipts and disbursements journals, and to perform three-way reconciliations of his attorney trust account. The respondent also grossly neglected this real estate matter by not reviewing the closing documents or communicating with the clients prior to the closing, failing to review the title binder, making a disbursement to a company not associated with the transaction, failing to question obvious discrepancies in the HUD-1 statement and closing on the property, which was the subject of a bankruptcy proceeding, without securing bankruptcy court approval. Respondent also failed to set forth in writing the basis or rate of his fee, and practiced law while ineligible to do so for failure to pay the 2006 annual attorney registration fee. Christina Blunda Kennedy appeared before the DRB for the OAE and Catherine M. Brown appeared for the respondent. The respondent was previously disciplined: Admonished in 2011.

Barry S. Block - Admonished on January 30, 2012 (*Unreported*) for lack of diligence and failure to communicate with a client in a landlord/tenant matter. John E. Lanza represented District XIII and respondent

Figure 7

was pro se on a motion for discipline by consent granted by the DRB.

Peter Joseph Bonfiglio, III – Reprimanded on November 5, 2012 (212 *N.J.* 435) for falsely representing to an individual that he had given his file to a colleague to review the viability of a potential dental malpractice case and for failing to reply to the individual's request for the status of the review of his claim. Cindy M. Perr appeared before the DRB for District IIIB and the respondent appeared pro se.

Terence S. Brady – Suspended for three months effective June 6, 2011 on a certified record (212 *N.J.* 101) for misconduct in five client matters, including failure to communicate, gross neglect, pattern of neglect, lack of diligence and failing to protect his clients' interests upon termination of representation. The respondent also failed to cooperate with disciplinary authorities during the investigation and processing of these matters. Janice L. Richter represented the OAE.

Ronald J. Brandmayr, Jr. – Reprimanded on December 6, 2012 (212 *N.J.* 472) for representing two clients during a period of time when he knew he was ineligible to practice due to his failure to pay the annual registration fee. Janice L. Richter represented the OAE before the DRB and respondent appeared pro se.

Neil H. Braunstein – Suspended for one year on May 9, 2012 (210 *N.J.* 148) based on his conviction in the Superior Court of New Jersey to third-degree attempted criminal coercion by an official in violation of N.J.S.A. 2C:13-5(a)(4). Janice L. Richter appeared before the Supreme Court for the OAE and respondent appeared pro se.

Kenneth H. Brookman – Disbarred on January 6, 2012 (208 *N.J.* 483) for knowingly misappropriating estate and client funds by using them to pay for his personal and business expenses. Janice L. Richter appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Temporarily suspended in 2010.

Donald Stuart Burak – Disbarred on January 6, 2012 (208 *N.J.* 484) as a result of respondent's guilty plea in the United States District Court for the District of New Jersey to one count of possession of child pornography in violation of 18 U.S.C.A. § 2252A(a)(5)(B) and (b)(2). Maureen G. Bauman appeared before the Supreme Court for the OAE and Robert Ramsey appeared for the respondent. The respondent was previously disciplined: Temporarily suspended in 2008.

Edward Benjamin Bush – Admonished on June 19, 2012 (210 *N.J.* 182) for lack of diligence, failure to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information in connection with an estate matter. Michael K.W. Nolan represented District IIIA and respondent was pro se on a motion for discipline by consent granted by the DRB.

Duncan Gordon Cameron – Disbarred on a certified record on February 1, 2012 (209 *N.J.* 34) for knowingly misappropriating \$94,519.91 in client funds by depositing the funds into his personal business checking account and spending the funds without the knowledge or authorization of his client. Melissa A. Czartoryski appeared before the Supreme Court for the OAE and the respondent failed to appear.

Cathy C. Cardillo – Reprimanded on December 19, 2012 (212 *N.J.* 486) for entering into an agreement in which a restriction on her right to practice was part of the settlement of a controversy between the parties. Charles Centinaro appeared before the Supreme Court for the OAE and respondent appeared pro se.

Kevin Joseph Carlin – Suspended for one year on a certified record on January 25, 2012 (208 *N.J.* 592) for misconduct in three client matters, including gross neglect, failure to communicate with clients, failure to memorialize the basis or rate for his fee, recordkeeping violations and failure to cooperate with disciplinary authorities during the investigation and processing of these matters. Lee A. Gronikowski represented the OAE. The respondent was previously disciplined: Reprimanded in 2003; censured in 2006; suspended in 2009; and temporarily suspended in 2011.

Kevin Joseph Carlin – Suspended for two years on a certified record effective January 26, 2013 (212 *N.J.* 475) for lack of diligence, gross neglect and failure to cooperate with his client in a bankruptcy matter. Respondent also failed to cooperate with disciplinary authorities in the investigation and processing of this matter. Daniel F. Dryzga, Jr. represented District VII. Respondent was previously disciplined: Reprimanded in 2003; censured in 2006; suspended for three months in 2009; and suspended for one year effective January 25, 2012.

Juhong J. Cha – Reprimanded on January 25, 2012 (208 *N.J.* 590) for forging the signature of another attorney on an addendum to a real estate contract. Janice L. Richter appeared before the DRB for the OAE and respondent appeared pro se.

Owen Chambers – Suspended for three months effective April 9, 2012 (209 *N.J.* 417) for gross neglect, lack of diligence, failure to communicate and failure to safeguard client's property. Further, respondent failed to cooperate with disciplinary authorities during the investigation of this matter and lied under oath during the disciplinary hearing. Anish A. Joshi appeared before the DRB for District VIII and Donald M. Lomurro appeared for the respondent.

Alexander Chan – Disbarred by consent on October 5, 2012 (212 *N.J.* 193) for knowingly misappropriating clients' trust funds. Christina Blunda Kennedy appeared before the Supreme Court for the OAE and Lawrence Lustberg represented the respondent.

George Stewart Cummings II – Disbarred by consent on October 9, 2012 (212 *N.J.* 196) for knowingly misappropriating clients' and his law firm's funds by using them for purposes unrelated to the clients' or the firm's purposes and without their knowledge or permission. Christina Blunda Kennedy appeared before the Supreme Court for the OAE and Joseph P. Rem represented the respondent.

Paul J. Curreri - Reprimanded on November 5, 2012 (212 *N.J.* 433) for his role as the settlement agent in four real estate closings where respondent certified as accurate HUD-1 forms that contained misrepresentations, in violation of RPC 8.4(c); where respondent assisted his clients in committing a fraud, in violation of RPC 1.2(d); where respondent failed to memorialize his fee arrangement, in violation of RPC 1.5(b); and where respondent engaged in a conflict of interest, in violation of RPC 1.7(a). The Board took into account respondent's extensive mitigation in recommending a reprimand, rather than a censure. HoeChin Kim appeared before the DRB for the OAE and Robyn M. Hill appeared on behalf of respondent.

Terence J. Dahl – Reprimanded on a certified record on December 6, 2012 (212 *N.J.* 471) for failing to comply with a client's reasonable requests for information in an estate matter. David L. Rutherford represented District IIA.

Earl Seth David – Disbarred by consent on June 14, 2012 (210 *N.J.* 328) as a result of respondent's criminal conviction in the U.S. District Court for the Southern District of New York for violations of 18 U.S.C. § 1546(a) and 18 U.S.C. § 1001, in connection with respondent's participation in a conspiracy to make material false statements in relation to immigration applications, and to committing mail fraud and wire fraud, in violation of 18 U.S.C. § 1341 and 1349. Missy Urban represented the OAE before the Supreme Court and

Avraham C. Moskowitz represented the respondent. The respondent was previously disciplined: Suspended in 2004.

Marvin S. Davidson - Suspended for one year on October 17, 2012 (212 *N.J.* 289) for his misconduct in two separate cases. In the first, a District XII matter, while he was on the IOLTA Ineligibility List, respondent made two court appearances. In the second, a District VB matter, respondent wrongfully withheld funds belonging to his former employee/client to cover a possible claim for unpaid bills from the Dell computer company. He also failed to cooperate with ethics authorities. James J. McDonald appeared before the DRB for District VB and respondent appeared pro se. Respondent was previously disciplined: Suspended for 3 months in 1995; reprimanded in 2005; temporarily suspended in 2009; and suspended for two consecutive 6-month terms in 2010.

Nathaniel Martin Davis – Reprimanded on February 10, 2012 (209 *N.J.* 89) for failing to turn over a former client's file to her new attorney after multiple oral, written and in-person requests. Thomas Joseph O'Leary appeared before the DRB for District VA and Alan Dexter Bowman appeared for the respondent. The respondent was previously disciplined: Reprimanded in 2007.

Marc Adam Deitch – Reprimanded on March 9, 2012 (209 *N.J.* 423) for failing to safeguard client funds and allowing a negligent misappropriation of trust account funds. Respondent failed to supervise his wife/paralegal and her handling of his bank accounts, allowing her to steal \$14,400 of funds being held in his trust account. This failure to supervise also allowed her to overcharge parties in real estate transactions. Additionally, respondent had multiple recordkeeping violations. Melissa A. Czartoryski appeared before the DRB for the OAE and respondent appeared pro se.

Dorca Iris Delgado-Shafer – Suspended for three years effective after the expiration of the prior terms of suspension imposed on January 2, 2009 and November 17, 2011 (210 *N.J.* 127) for filing six successive and deficient petitions for bankruptcy in order to derail a civil case pending against her, failing to file an affidavit of compliance pursuant to R.1:20-20(b)(15), making misrepresentations to a court and failing to cooperate with disciplinary authorities. Melissa A. Czartoryski represented the OAE before the DRB and respondent appeared pro se. The respondent was previously disciplined: Suspended for one year in 2009 and for one year in 2011.

Douglas J. Del Tufo – Reprimanded on May 22, 2012 (210 *N.J.* 183) for commingling personal and business funds in his attorney trust account and then paying

personal and business expenses from that account. Respondent had been audited by the OAE previously and advised that this practice was a violation of recordkeeping rules. Respondent also failed to maintain ledger cards, made unauthorized electronic transfers and failed to maintain a running cash balance for his trust account. Janice L. Richter appeared before the DRB for the OAE and the respondent appeared pro se. This matter was discovered solely as a result of the Trust Overdraft Notification Program. The respondent was previously disciplined: Admonished in 2011.

Nicholas V. DePalma - Admonished on February 17, 2012 (*Unreported*) for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation by signing a deed as the preparer when another attorney had prepared the deed and affixing his jurat outside the presence of the sellers and in absence of their signatures. Melissa Suarez represented District II-B before the DRB and respondent appeared pro se.

Robert J. DePalma - Disbarred by consent on October 24, 2012 (212 *N.J.* 364) for respondent's knowing misappropriation of client funds earmarked for recordation of the deed, mortgage, and powers of attorney from a client's real estate closing during which respondent acted as the settlement agent. HoeChin Kim represented the OAE and Marc D. Garfinkle represented the respondent.

Nelson Diaz – Reprimanded on February 8, 2012 (209 *N.J.* 89) for failure to supervise lawyer and non-lawyer employees and engaging in dishonest conduct and conduct prejudicial to the administration of justice where lawyers under his supervision utilized hundreds of pre-signed certifications which were filed in Bankruptcy Court even though the signatories on the certifications did not review them or attest to their accuracy. Melissa A. Czartoryski represented the OAE and Peter N. Gilbreth represented the respondent.

John D. DiCiurcio - Reprimanded on September 20, 2012 (212 *N.J.* 109) for sending direct mail solicitation letters that were in violation of RPC 7.1(a)(1) (for one letter that misled the recipient that she could lose her driver's license for making an illegal U-turn), *Guideline 2(a)* (for all three letters that did not comply with the Guideline's requirements) and *Opinion 35* (for all three letters that failed to have the required language). The Committee on Attorney Advertising had recommended an admonition. HoeChin Kim appeared before the DRB for the OAE and respondent appeared pro se.

William T. DiCiurcio II - Reprimanded on September 20, 2012 (212 *N.J.* 110) for sending direct mail solicitation letters that were in violation of *RPC 7.1(a)(1)*

(for one letter that misled the recipient that she could lose her driver's license for making an illegal U-turn), *Guideline 2(a)* (for all three letters that did not comply with the Guideline's requirements) and *Opinion 35* (for all three letters that failed to have the required language). The Committee on Attorney Advertising had recommended an admonition. HoeChin Kim appeared before the DRB for the OAE and respondent appeared pro se.

Stephen G. Doherty – Disbarred by consent on April 26, 2012 (210 *N.J.* 110) as a result of respondent's criminal conviction in the United States District Court for the Eastern District of Pennsylvania for fifteen felony counts including Conspiracy, in violation of 18 U.S.C. § 1349, Mail Fraud, in violation of 18 U.S.C. § 1341, Wire Fraud, in violation of 18 U.S.C. § 1343, Fraudulent Bankruptcy Filing, in violation of 18 U.S.C. § 157(1), False Bankruptcy Record, in violation of 18 U.S.C. § 1519 and Conspiracy to Launder Money, in violation of 18 U.S.C. § 1956(h), in connection with a mortgage fraud scheme. Michael Sweeney represented the OAE before the Supreme Court and William J. Winning represented the respondent.

Aurelia M. Durant – Admonished on December 6, 2012 (*Unreported*) for failing to notify her clients that she would be moving out of state and that another lawyer would be handling their bankruptcy matter, nor did she follow up on the status of the matters that had been taken over. Timothy J. McNamara represented the OAE before the DRB and Bernard K. Freamon represented the respondent.

Howard L. Egenberg – Reprimanded on September 6, 2012 (211 *N.J.* 604) for representing all parties in a real estate transaction without obtaining a written acknowledgment or waiver of a conflict of interest, or the express consent of all parties. Respondent also made misrepresentations on the HUD-1 settlement statement. Christopher J. Koller appeared before the DRB for District IIB and Ellyn Freiberg Essig appeared for the respondent.

John M. Falzone, Jr. - Censured on March 19, 2012 (209 *N.J.* 420) for failing to supervise his secretary-wife and for failing to conduct three-way reconciliations of his attorney trust account, which conduct enabled his wife to steal over \$275,000 from his attorney trust account. Respondent also lied to ethics authorities during its investigation. HoeChin Kim appeared before the DRB for the OAE and respondent waived appearance. This matter was discovered solely as a result of the Random Audit Compliance Program.

George Louis Farmer – Admonished on March 27, 2012 (*Unreported*) for engaging in a conflict of interest with an existing client when he brought the clients into a lawsuit as a third party defendant. Janice L. Richter appeared before the DRB for the OAE and respondent appeared pro se.

Joseph J. Fell - Reprimanded on July 18, 2012 (211 *N.J.* 2) for engaging in a business transaction with his client without complying with the requirements of RPC 1.8(a)(2) (advising client in writing of desirability of seeking advice of independent counsel) or RPC 1.8(a)(3) (obtaining client's written informed consent to terms of transaction and attorney's role in transaction). HoeChin Kim appeared before the DRB for the OAE and respondent waived appearance. Respondent was previously disciplined: Admonished in 2011.

Kim Andre Fellenz – Disbarred on September 12, 2012 (212 *N.J.* 64) for knowingly misappropriating client funds in several different matters. Melissa A. Czartoryski appeared before the Supreme Court and Alan Peyrouton appeared for respondent. This matter was discovered as the result of the Trust Overdraft Notification Program.

Stuart D. Felsen – Censured on a certified record on November 5, 2012 (212 *N.J.* 434) for gross neglect, lack of diligence, and failure to explain a matter to the extent reasonably necessary for the client to make informed decisions about the representation in a DWI case. Although ordered by the Court to do so, respondent failed to obtain a videotape containing exculpatory evidence and falsely stated to his client that the tape did not exist. Michael R. Ascher represented District XA. The respondent was previously disciplined: Reprimanded in 2002 and suspended for three months in 2007.

Richard M. Flynn – Reprimanded by consent on February 14, 2012 (209 *N.J.* 92) for misrepresenting to beneficiaries in an estate matter the nature of the disbursement of certain fees. Jean Chetney appeared before the DRB for District IV and Robert E. Ramsey appeared for respondent.

Brian Fowler - Admonished on April 27, 2012 (*Unreported*) for failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information and notify his client about and deliver funds. In connection with an estate matter, respondent received but failed to deposit at least 19 checks and additionally failed to respond to more than a dozen inquiries from his client about the funds. Paul Garfield represented District IIB before the DRB and respondent was pro se. The respondent was previously disciplined: Admonished in 2007 and 2011.

Daniel James Fox – Censured on a certified record on June 7, 2012 (210 *N.J.* 255) for failing to comply with R. 1:20-20, which requires a suspended attorney to file an affidavit with the Director of the Office of Attorney Ethics specifying steps taken to comply with each of the provisions of the rule. Michael J. Sweeney represented the OAE. The respondent was previously disciplined: Suspended in 2010.

Randi K. Franco - Suspended for three months on December 5, 2012 (212 *N.J.* 471), effective January 4, 2013, for violating RPC 1.5(d) (commingling funds and charging a non-refundable retainer), *RPC* 1.7(a) (conflict of interest), *RPC* 1.8(a) (impermissible business transaction with a client) and *RPC* 1.15(d) and R. 1:21-6 (recordkeeping violations). The Supreme Court disagreed with the DRB's finding of clear and convincing evidence that respondent knowingly misappropriated escrow funds in violation of RPC 1.15(a) and the principles of In re Hollendonner, 102 *N.J.* 21 (1985). HoeChin Kim appeared before the Supreme Court for the OAE and respondent appeared pro se.

Robert A. Franco - Suspended for three months on December 5, 2012 (212 *N.J.* 470), effective January 4, 2013, for violating RPC 1.5(d) (commingling funds and charging a non-refundable retainer), *RPC* 1.7(a) (conflict of interest), *RPC* 1.8(a) (impermissible business transaction with a client) and *RPC* 1.15(d) and R. 1:21-6 (recordkeeping violations). HoeChin Kim appeared before the DRB for the OAE and respondent appeared pro se.

James K. Fruehling – Disbarred by consent on October 17, 2012 (212 *N.J.* 285) following his guilty plea in the Eastern District of Pennsylvania to one count of conspiracy to manufacture 1000 or more marijuana plants, in violation of 21 U.S.C. §841(a)(1), (b)(1)(A) and possession with intent to distribute 1000 or more marijuana plants, in violation of 21 U.S.C. §841(a)(1), (b)(1)(A). Michael J. Sweeney represented the OAE and Brian J. Fruehling represented the respondent.

Shauna Marie Fuggi - Admonished on February 17, 2012 (*Unreported*) for engaging in conduct (burning her estranged husband's personal belongings in her driveway and sending him a text message about the same) that reflected adversely on her honesty, trustworthiness or fitness as a lawyer. HoeChin Kim appeared before the DRB for the OAE and respondent waived appearance.

Ralph V. Furino – Suspended for three months on May 2, 2012 on a certified record (210 *N.J.* 122) for failing to perform any work after being retained by a client in a domestic relations matter. Respondent failed to return the file to the client upon termination of his representation,

and failed to cooperate with disciplinary authorities during the investigation and processing of this matter. Anish A. Joshi represented District VIII. The respondent was previously disciplined: Reprimanded in 2010.

Ralph V. Furino – Suspended for three months effective August 3, 2012 on a certified record (210 *N.J.* 124) for misconduct in two client matters. In one matter, the respondent grossly neglected his client's personal injury matter and lacked diligence by failing to answer interrogatories, thereby causing the client's complaint to be dismissed. In a second matter, respondent failed to communicate with his client. In both matters, respondent failed to return the file to the client upon termination of his representation, and failed to cooperate with disciplinary authorities during the investigation and processing of these matters. Anish A. Joshi represented District VIII. The respondent was previously disciplined: Reprimanded in 2010.

Carl D. Gensib - Suspended for 6 months on March 9, 2012 (209 *N.J.* 421) for facilitating fraud in five real estate transactions where he prepared and certified as accurate false HUD-1 forms. He also engaged in conflicts of interest in two transactions and failed to memorialize the fee arrangement in all five transactions. HoeChin Kim appeared before the DRB for the OAE and David H. Dugan, III appeared on behalf of respondent. The respondent was previously disciplined: Reprimanded in 2005 and censured in 2011.

Carl D. Gensib - Censured on November 29, 2012 (212 *N.J.* 465) for his conduct in representing a buyer in a real estate transaction. Respondent failed to explain a matter to the extent reasonably necessary for the client to make informed decisions about the representation, in violation of RPC 1.4(c) and failed to communicate the basis or rate of fee in writing, in violation of RPC 1.5(b). HoeChin Kim appeared before the DRB for the OAE and David H. Dugan III appeared on behalf of respondent. The respondent was previously disciplined: Reprimanded in 2005; censured in 2011; and suspended for six months in 2012.

Joseph R. Giannini - Censured on December 7, 2012 (212 *N.J.* 479) for violations of RPC 3.1 (asserting frivolous issues), RPC 3.4(d) (making frivolous discovery requests), RPC 3.4(e) (alluding, in trial, to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence) and RPC 8.4(d) (engaging in conduct prejudicial to the administration justice). The Court's six-page Order explained in detail why respondent's constitutional arguments, that the disciplinary process violated his due process and free speech rights, lacked any substantive

merit. HoeChin Kim appeared for the OAE before the Supreme Court and respondent appeared pro se.

Arthur R. Gloeser – Disbarred on March 9, 2012 (209 *N.J.* 415) for knowingly misappropriating client funds by authorizing the transfer of \$26,208 from his law firm's trust account to the business account to provide sufficient funds to meet payroll obligations. Michael J. Sweeney appeared before the Supreme Court for the OAE and Robyn M. Hill represented the respondent. The respondent was previously disciplined: Reprimanded in 1995.

Steven F. Goldman – Disbarred by consent on January 13, 2012 (209 *N.J.* 7) for knowingly misappropriating approximately \$50,500 from several clients and using the money for unrelated matters without the clients' knowledge, authority or consent. Lee A. Gronikowski represented the OAE before the Supreme Court and Hayes R. Young represented the respondent.

Ralph Alexander Gonzalez - Admonished on November 16, 2012 (*Unreported*) for engaging in conduct prejudicial to the administration of justice by attempting to persuade a client to withdraw her ethics grievance as part of a settlement of a civil suit against her for non-payment of legal fees. Lewis C. Fichera represented District IV before the DRB and respondent was pro se. The respondent was previously disciplined: Reprimanded in 1995.

Charles X. Gormally – Reprimanded on December 19, 2012 (212 *N.J.* 486) for making an agreement in which a restriction on the lawyer's right to practice was part of the settlement of a controversy between the parties. Charles Centinaro appeared before the Supreme Court for the OAE and Michael R. Griffinger appeared for the respondent.

Neil Lawrence Gross – Censured on May 2, 2012 on a certified record (210 *N.J.* 115) for failing to complete post-closing steps in a real estate matter and for failing to cooperate with the ethics committee in the investigation and processing of this matter. Larry D. Raiken represented the District XB Ethics Committee. The respondent was previously disciplined: Censured in 2011.

Jeffrey R. Grow - Admonished on March 26, 2012 (209 *N.J.* 424) for failing to properly notify an estate client in writing of the basis or rate of the fee to probate a will and for sending a letter to the client threatening to file criminal charges against her in relation to her failure to pay the fee. JoAnn Pietro represented District XB before the DRB and respondent was pro se.

Steve Hallett - Admonished on July 25, 2012 (*Unreported*) for failure to keep proper financial records and maintaining a balance in his attorney trust account from May 2006 to May 2011, without identifying the rightful owners or applying for permission to transfer the funds to the Superior Court Trust Fund. As a result, third parties made unauthorized disbursements. Melissa A. Czartoryski represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Reprimanded in 2001 and 2002. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

John W. Hargrave - Admonished on October 25, 2012 (*Unreported*) for entering into a business transaction with bankruptcy clients by which respondent obtained a mortgage against their residence in order to prevent or delay a third-party from obtaining a lien against the house without fully disclosing the terms in writing, advising the clients in writing of the desirability of seeking independent counsel and obtaining written informed consent from the clients. Maureen G. Bauman represented the OAE and Robert Ramsey represented respondent on a motion for discipline by consent granted by the DRB.

Richard C. Heubel – Censured on a certified record on June 7, 2012 (210 *N.J.* 252) for failing to diligently represent his client in a real estate closing and keep her reasonably informed about the status of the matter. Additionally, his poor recordkeeping practices led to the negligent misappropriation of client trust funds. Lee A. Gronikowski represented the OAE. The respondent was previously disciplined: Admonished in 2009.

Christopher T. Howell - Admonished on February 21, 2012 (*Unreported*) for failing to act with reasonable diligence and failing to keep his client informed about the status of her foreclosure matter. Christopher Perez represented District V-C before the DRB and respondent was pro se.

William Timothy Howes - Admonished on October 1, 2012 (*Unreported*) for failing to act with reasonable diligence and engaging in conduct involving dishonesty, deceit or misrepresentation by lying to a client and her husband about the status of her appeal. Richard B. Gelade represented District VII before the DRB and respondent was pro se.

Fernando Iamurri - Admonished on July 25, 2012 (*Unreported*) for gross negligence, failing to act with reasonable diligence and failing to keep his immigration client reasonably informed about the status of his matter. Respondent missed two deadlines for appeals and failed

to set forth defenses to the removal proceeding or otherwise stay or vacate the deportation order. Abed Awad represented District XI and respondent was pro se on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Admonished in 2010.

Alexander M. Iler – Disbarred by consent on July 5, 2012 (210 *N.J.* 552) for knowingly misappropriating client trust funds. Timothy J. McNamara represented the OAE and Robert E. Ramsey represented respondent.

Jose A. Izquierdo – Disbarred on January 12, 2012 (209 *N.J.* 5) as a result of respondent’s guilty plea in the United States District Court for the District of New Jersey to a one-count accusation charging respondent with knowingly and willfully making materially false, fictitious and fraudulent statements and representations to the Federal Bureau of Investigations, in violation of 18 *U.S.C.A.* § 1001. Lee A. Gronikowski appeared before the Supreme Court for the OAE and Eric R. Breslin appeared for the respondent. The respondent was previously disciplined: Temporarily suspended in 2008.

William C. Jaekel – Disbarred by consent on September 21, 2012 (212 *N.J.* 111) for knowingly misappropriating real estate escrow funds. Melissa A. Czartoryski represented the OAE and Glenn R. Reiser represented the respondent. This matter was discovered solely as a result of the Random Audit Program.

Mark H. Jaffe – Reprimanded on July 18, 2012 (211 *N.J.* 1) for making false statements of material fact to the trial judge in a municipal court matter resulting in respondent being permitted to withdraw from the case without notice to the client, a woman who did not speak English, or her English-speaking representative. Thomas A. Cunniff appeared before the DRB for District VII and Joseph J. Benedict appeared on behalf of respondent. Respondent was previously disciplined: Reprimanded in 1998.

Stuart W. Jay – Reprimanded on May 24, 2012 (210 *N.J.* 214) for knowingly practicing law while ineligible to do so for failure to complete the annual attorney registration form and pay the annual fee. Janice L. Richter appeared before the DRB for the OAE and the respondent appeared pro se. The respondent was previously disciplined: Suspended in 1996.

Robert Joseph Jeney, Jr. – Reprimanded on January 25, 2012 (208 *N.J.* 591) for failure to safeguard, in his attorney trust account, the proceeds from the sale of his client’s marital home by paying his own firm’s legal fees from those proceeds when he was not authorized to do so, by refusing to pay legal fees owed to his client’s wife’s attorney as provided in his client’s property settlement

agreement, and by releasing the funds to his client upon termination of their attorney-client relationship without the consent of the attorney representing his client's wife. Richard W. Mackiewicz, Jr. appeared before the DRB for District VI and respondent appeared pro se.

George W. Johnson - Admonished on March 22, 2012 (*Unreported*) for taking a loan from a testamentary trust which he served as trustee without seeking prior court approval and therefore creating an impermissible conflict of interest. Michael J. Sweeney appeared before the DRB for the OAE and Raymond S. Londa represented respondent.

Jerrold N. Kaminsky – Suspended for three months effective October 11, 2012 (212 *N.J.* 37) for misconduct in several real estate matters. Specifically respondent prepared false HUD-1 settlement statements and presented those statements to the clients for execution knowing they were fraudulent. Also, in one of the real estate transactions, respondent engaged in a concurrent conflict of interest. Michael J. Sweeney appeared before the DRB for the OAE and Gerard E. Hanlon appeared for the respondent.

Thomas Kane – Reprimanded on December 6, 2012 (212 *N.J.* 477) for threatening to present criminal charges in order to obtain an improper advantage in his own divorce case, contrary to RPC 3.4(g). Cristal M. Holmes-Bowie appeared before the DRB for District IIIB and David H. Dugan, III appeared for respondent.

Na-Nyung Kang - Admonished on March 23, 2012 (*Unreported*) for failing to act diligently in filing an answer to a divorce complaint and failing to keep his client reasonably informed about the status of the matter. Santiago D. Orozco represented District XI before the DRB and David M. Paris represented respondent.

Rachel D. Kaplan – Suspended for three months effective February 6, 2012 (208 *N.J.* 487) for failing to act diligently in finalizing the equitable distribution in a pension matter and failing to communicate with the client by not returning multiple phone calls. A greater level of discipline was imposed because respondent made misrepresentations to the District Ethics Committee. Lee A. Gronikowski appeared before the Supreme Court for the OAE and respondent appeared pro se.

Gleb L. Kardash – Reprimanded on May 2, 2012 on a certified record (210 *N.J.* 116) for failing to provide a written fee agreement to his client in a matrimonial matter and for failing to cooperate with disciplinary authorities in the investigation and processing of this matter. Christine Gillen represented District IIB.

Kenneth Harry Kell – Disbarred by consent on August 23, 2012 (211 *N.J.* 533) for knowingly misappropriating clients' trust funds. Christina Blunda Kennedy appeared before the Supreme Court for the OAE and Robert Agre represented the respondent.

Yong-Wook Kim – Disbarred on a certified record on September 12, 2012 (212 *N.J.* 62) for knowingly misappropriating clients' funds. In one matter, respondent received a \$63,000 real estate deposit and used it to make payments in unrelated matters without the knowledge or consent of the depositor. In another matter, respondent received a wire transfer of \$393,785.59 and instead of paying off the sellers' mortgage, respondent converted the funds to his own personal use without the knowledge or consent of the third parties. In the third matter, respondent received a \$60,500 real estate deposit and converted the funds to his own use without the knowledge or consent of the depositor. Respondent also failed to cooperate with disciplinary authorities regarding two overdrafts in his trust account and during the investigations and processing of these matters. Maureen G. Bauman appeared before the Supreme Court for the OAE and respondent failed to appear.

Michael Scott Klein – Suspended for three years on January 11, 2012 (209 *N.J.* 234) as a result of respondent's guilty plea in the United States District Court for the Eastern District of Pennsylvania to income tax evasion, in violation of 18 U.S.C.A. § 7201, criminal conspiracy to defraud the United States, in violation of 18 U.S.C.A. § 371. Janice L. Richter appeared before the DRB for the OAE and respondent appeared pro se.

Robert Douglas Kobin – Reprimanded on October 17, 2012 (212 *N.J.* 291) for lack of diligence, failure to keep the client reasonably informed about the status of their matter, failure to explain a matter to an extent necessary for a client to make informed decisions, improper withdrawal from representation, failure to protect a client's interests on termination of representation, failure to supervise a subordinate attorney and failure to cooperate with ethics authorities in a products liability case. Anita R. Hotchkiss appeared before the DRB for District XB and respondent appeared pro se.

Morris J. Kurzrok - Admonished on July 20, 2012 (*Unreported*) for failing to keep proper records as required by R. 1:21-6 and cooperate with an ethics investigation. The DRB also required respondent to provide quarterly to the OAE monthly reconciliations of his attorney records, certified by an accountant approved by the OAE, for a period of two years. Michael J. Sweeney represented the OAE and respondent was pro se. The respondent was previously disciplined: Admonished

in 1995. This matter was discovered solely as a result of the Random Audit Compliance Program.

Joseph C. Lane – Reprimanded on May 29, 2012 (210 *N.J.* 220) for failing to record the deed and mortgage for approximately one and one half years from a closing in which he acted as the settlement agent. Walton W. Kingsbery, III represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Admonished in 2007 and 2009.

Anthony J. LaRusso – Censured on September 20, 2012 (212 *N.J.* 107) for gross negligence and conflict of interest in four loan arrangements between two clients resulting in a financial loss to one client of over \$400,000. Melissa A. Czartoryski appeared before the DRB for the OAE and respondent waived appearance. Respondent was previously disciplined: Censured in 2007.

Eugene M. LaVergne – Disbarred on November 7, 2012 (212 *N.J.* 427) for his unethical conduct in multiple client matters, including violations of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.5(a) (charging excessive fees), RPC 1.15(a) (knowing misappropriation of client trust funds), RPC 1.16(d) (failure to return client files on termination of representation), RPC 3.3(a)(1) (lack of candor towards a tribunal), RPC 4.4(a) (lack of respect for the rights of third persons), RPC 5.5(a) (practicing law while suspended), RPC 7.1(a)(1)(1) (making false or misleading communications concerning a lawyer's services), RPC 8.1(a) (knowingly making false statements to disciplinary authorities), RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), RPC 8.4(d) (conduct prejudicial to the administration of justice) and for violating the principles of *In re Wilson*, 81 *N.J.* 451 (1979) and *In re Hollendonner*, 102 *N.J.* 21 (1985). Janice L. Richter appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent has a significant disciplinary history: Reprimanded in 2001; suspended in 2001; reprimanded in 2006; censured and temporarily suspended in 2011.

Jeffrey S. Lender - Admonished on January 30, 2012 (*Unreported*) for failing to act diligently and promptly in correcting an over-disbursement paid by respondent to another entity during a real estate transaction in which respondent represented the title company and the buyer and seller were pro se. Lee A. Gronikowski represented the OAE before the DRB and Michael P. Ambrosio represented respondent.

Eric S. Lentz – Reprimanded on a certified record on July 19, 2012 (211 *N.J.* 3) for failing to communicate with his client in a personal injury matter, failing to

represent him diligently and failing to withdraw from representation when respondent's health problems materially impaired his ability to properly represent the client. Cynthia T. McCoy represented District VB. Respondent was previously disciplined: Temporarily suspended in 2010.

Joseph J. Lowenstein – Suspended for three months effective January 24, 2010 (212 *N.J.* 294) for conflict of interest, failure to keep a client reasonably informed about the status of the matter and failure to explain the matter to the extent reasonably necessary to permit the client to make informed decisions about the representation. Respondent represented both the driver and passenger for injuries sustained in a motor vehicle accident. When respondent realized that the dual representation created a potential conflict of interest, he filed a complaint on behalf of the driver and drafted and filed a "pro se" complaint on behalf of the passenger, naming his client as a defendant. Respondent signed the passenger's name on the complaint without her knowledge or consent and continued representation of the passenger until the conflict of interest became apparent at which time respondent ceased to prosecute the case on behalf of the passenger. Maureen G. Bauman appeared before the DRB for the OAE and David H. Dugan, III appeared for the respondent. The respondent was previously disciplined: Admonished in 2006; reprimanded in 2007; censured in 2008 and suspended for three months in 2009.

Anthony M. Mahoney – Disbarred on January 12, 2012 (208 *N.J.* 490) for knowingly misappropriating clients' trust funds by using them for purposes unrelated to the clients' matter and without their knowledge or permission. Lee A. Gronikowski appeared before the Supreme Court for the OAE and Joel A. Kobert represented the respondent.

Kevin H. Main – Suspended for two years on June 8, 2012 on certified records in six matters (210 *N.J.* 256) for multiple violations of 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 reasonably informed); RPC 1.16(d) (failure to protect client's interests on termination of representation); RPC 8.1(b) (failure to cooperate with disciplinary authorities); and RPC 8.4(c) (conduct involving dishonesty, deceit or misrepresentation). Kimberly M. Wilson, Jennifer W. Millner, Jennifer D. Zoschak, Randie Lynn Ehrlich and Sudha V. Raja represented District VII. Respondent was previously disciplined: Admonished in 2010 and two consecutive three-month suspensions in 2011.

Peter E. Manolakis – Suspended for three months (212 *N.J.* 468) effective January 13, 2009 for recordkeeping violations and failure to cooperate with disciplinary

authorities. Christina Blunda Kennedy appeared before the DRB for the OAE and the respondent failed to appear. The respondent was previously disciplined: Censured and temporarily suspended in 2009.

Nicholas R. Manzi – Disbarred on a certified record on March 16, 2012 (209 *N.J.* 425) 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.

William E. McManus, II - Admonished on February 27, 2012 (*Unreported*) for failing to provide his client with contact information, failing to maintain a bona fide law office and failing to keep his client reasonably informed while matrimonial matter was pending. Candace R. Scott represented District XA before the DRB and respondent was pro se.

Paul R. Melletz - Admonished on November 16, 2012 (*Unreported*) for fee-sharing with a non-lawyer paralegal in immigration matters. Melissa A. Czartoryski represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB.

Athan M. Mergus – Reprimanded on May 30, 2012 (210 *N.J.* 222) for accepting a personal injury settlement on behalf of a client who had died without obtaining the consent of the executrix of the estate. When respondent sought the executrix' signature on a release, he failed to disclose that he had already accepted and deposited the settlement check into his trust account. Janice L. Richter appeared before the DRB for the OAE and respondent appeared pro se. This matter was discovered solely as a result of the Random Audit Compliance Program.

Charles M. Naselsky – Disbarred by consent on December 31, 2012 (*___N.J.---*) following his conviction in the United States District Court, Eastern District of Pennsylvania (Philadelphia), to two counts of tax evasion, two counts of filing false tax returns, three counts of wire fraud and two counts of obstruction of justice. Michael J. Sweeney represented the OAE and Robert E. Welsh, Jr. represented the respondent.

Raymond Oliver - Admonished on November 27, 2012 (*Unreported*) for failing to respond to a lawful demand for information from a disciplinary authority. Ralph Bruce Crelin represented District XII before the DRB and respondent was pro se. The respondent was previously disciplined: Admonished in 2010.

Jeffrey P. Osmond – Disbarred by consent on October 4, 2012 (212 *N.J.* 191) as a result of respondent's criminal

conviction in the Tioga County Court of Common Pleas, Commonwealth of Pennsylvania, of theft by failure to make required disposition of funds received, in violation of 18 Pa. C.S. § 3927(a). Michael J. Sweeney represented the OAE before the Supreme Court and Patrick J. Barrett, III, appeared for respondent.

Ben W. Payton – Suspended for three months on October 17, 2012 (212 *N.J.* 292) for grossly neglecting two client matters and failing to respond to a formal complaint in a third case. John P. Dolin and Karen E. Bezner appeared before the DRB for District XII and Queen E. Payton appeared on behalf of respondent. Michael J. Sweeney represented the OAE in the default matter but the matter was decided on the submissions received and no oral argument was held. The respondent was previously disciplined: Reprimanded and suspended for three months in 2001; suspended for three months in 2002; admonished in 2007; and censured and temporarily suspended in 2011, which suspension remains in effect.

Patrick N. Perone – Censured on a certified record on March 9, 2012 (209 *N.J.* 422) for failing to act diligently in representing a client in an expungement matter by filing a deficient petition, which resulted in a dismissal of the matter, and for failing to communicate with the client. Scott William Kenneally represented District IIIA. The respondent was previously disciplined: Admonished in 2006.

Lora M. Privetera - Admonished on February 21, 2012 (*Unreported*) for failing to cooperate with an ethics investigation. Robert A. Greitz represented District IIIA before the DRB and Catherine Mary Brown represented respondent.

Timothy J. Provost – Disbarred on a certified record on March 2, 2012 (209 *N.J.* 331) for knowingly misappropriating client and escrow funds in two separate matters and for failing to cooperate with disciplinary authorities during the investigation and processing of this matter. Timothy J. McNamara appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Temporarily suspended in 2011.

Victor K. Rabbat - Admonished on March 22, 2012 (*Unreported*) for gross negligence and lack of diligence in a commercial tenant matter where client had especially retained respondent after another attorney neglected the case. Judith E. Accardi represented District XI before the DRB and respondent was pro se.

David Leonard Roeber - Admonished on April 24, 2012 (*Unreported*) for failing to keep the beneficiary of an estate reasonably informed about the status of the matter

and to comply with reasonable requests for information. Respondent also failed to respond to the OAE's lawful demand for information. Terry F. Brady represented District IIIA before the DRB and respondent was pro se.

Peter Rosen – Reprimanded on January 26, 2012 (209 *N.J.* 157) for assisting his real estate developer client in illegally shifting the obligation to pay realty transfer fees from the seller to the buyers. Walton W. Kingsbery, III, appeared before the Supreme Court for the OAE and Barry Shinberg appeared for the respondent.

Scot D. Rosenthal – Suspended for one year on a certified record effective February 6, 2012 (208 *N.J.* 485) for misconduct in seven client matters including gross neglect, pattern of neglect, lack of diligence, failing to keep clients reasonably informed about the status of their matters, failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, charging unreasonable fees, failing to set forth in writing the rate or basis of his fee, failing to expedite litigation, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, engaging in conduct prejudicial to the administration of justice and failing to cooperate with disciplinary authorities during the investigation and processing of these matters. Christina Blunda Kennedy appeared before the Supreme Court for the OAE and Robert Ramsey appeared for the respondent.

Paul E. Rusen - Admonished on March 15, 2012 (*Unreported*) for failure to safeguard escrow funds by disregarding a \$10,000 cap that had been imposed on respondent's authority to pay taxes on real estate out of a buyer's \$50,000 escrow deposit. Carl Joseph DiPiazza represented District XA before the DRB and respondent was pro se.

Thomas M. Russo - Suspended for three months effective November 2, 2012 (212 *N.J.* 191) for fabricating two false court orders which he then provided to his clients as evidence that he had obtained a favorable result for them which in fact he had not. Melissa A. Czartoryski appeared before the DRB for the OAE and respondent appeared pro se.

Elaine T. Saint-Cyr – Censured on a certified record on June 7, 2012 (210 *N.J.* 254) for failing to comply with R. 1:20-20, which requires a suspended attorney to file an affidavit with the Director of the Office of Attorney Ethics specifying steps taken to comply with each of the provisions of the rule. Melissa A. Czartoryski represented the OAE. The respondent was previously disciplined: Suspended in 2010.

Elaine T. Saint-Cyr – Suspended for two years on three certified records on July 19, 2012 (210 *N.J.* 615) for gross neglect, lack of diligence, failure to communicate with the client and failure to cooperate with disciplinary authorities in two matters and practicing law while suspended in a third. Lee A. Gronikowski represented the OAE, Jerome Ballarotto represented District VII and Khaled J. Klele represented District XB. Respondent was previously disciplined: Temporarily suspended in 2010, which suspension remains in effect, and censured in 2012.

Gerald M. Saluti - Admonished on January 20, 2012 (*Unreported*) for failing to communicate his rate in writing to client before or within a reasonable time after commencing representation. John M. Deitch represented District V-A before the DRB and Thomas P. Scrivo represented respondent. The respondent was previously disciplined: Admonished in 2007.

Brien P. Santarlas – Disbarred by consent on May 2, 2012 (210 *N.J.* 126) following his guilty plea in the United States District Court, Southern District of New York, to Count One and Count Two of an Information which charged him with conspiring with others to commit securities fraud, in violation of 18 U.S.C. §371, and with securities fraud, in violation of 15 U.S.C. §78j(b) and 78ff, 17 C.F.R., §240.10b-5 and §240.10b5-2, and 18 U.S.C. §2. Michael J. Sweeney represented the OAE and Robert J. Stahl represented the respondent. The respondent was previously disciplined: Temporarily suspended in 2010.

Terry L. Shapiro – Suspended for three years effective June 4, 2012 (209 *N.J.* 590) for failing to safeguard client funds and allowing a negligent misappropriation of trust account funds in at least thirteen matters. The respondent had a significant number of open client ledger balances and failed to promptly deliver funds to his clients. Further, he had recordkeeping violations and was found to have charged excessive contingency fees. His lack of civility and disrespectful conduct enhanced his discipline. Walton W. Kingsbery, III, appeared before the DRB for the OAE and Robert E. Ramsey represented the respondent. The respondent was previously disciplined: Suspended in 1994 and 2001.

Clifford B. Singer – Censured on June 28, 2012 (210 *N.J.* 554) for gross neglect, lack of diligence and failure to communicate with clients in four separate matters in addition to negligent misappropriation and recordkeeping violations. Lee A. Gronikowski appeared before the DRB for the OAE and Kevin C. Corrison appeared for District IIA. Scott B. Piekarsky appeared on behalf of respondent. The respondent was previously disciplined: Reprimanded in 2009.

Michael D. Sinko – Suspended for three-years effective May 9, 2012 (210 *N.J.* 150) as a result of respondent's conviction in the United States District Court for the Eastern District of Pennsylvania for money laundering in violation of 18 U.S.C. § 1956 (a) (3) (B) and conspiracy to commit money laundering in violation of 18 U.S.C. § 1956 (h). Maureen G. Bauman appeared before the Supreme Court for the OAE and Steven R. Cohen represented the respondent.

Kenneth Paul Sirkin – Disbarred on September 12, 2012 (212 *N.J.* 63) based on discipline imposed in Florida for unethical conduct in at least 13 matters, including conversion of client funds. Missy Urban appeared before the Supreme Court for the OAE and respondent failed to appear. The respondent was previously disciplined: Suspended for three months in 2009 and censured in 2011.

Sean Alden Smith – Admonished on December 19, 2012 (212 *N.J.* 486) for his subordinate role in an agreement in which a restriction on the lawyer's right to practice was part of the settlement of a controversy between the parties. Charles Centinaro appeared before the Supreme Court for the OAE and Michael R. Griffinger appeared for the respondent.

Arthur E. Swidler – Suspended for three months on a certified record on July 18, 2012 (210 *N.J.* 612) for failing to comply with the requirements set forth in R. 1:20-20 for suspended attorneys, following two suspensions in 2010. Janice L. Richter represented the OAE. Respondent was previously disciplined: Reprimanded in 2007; suspended for three months in 2010; and suspended for six months in 2011.

John G. Takacs – Disbarred on September 12, 2012 (212 *N.J.* 107) for knowingly misappropriating client and escrow funds. Melissa A. Czartoryski appeared before the Supreme Court for the OAE and Mark S. Kancher appeared for respondent. Respondent was previously suspended for three years in 1995 based upon his criminal conviction for mail fraud. This case was discovered as a result of the Trust Overdraft Notification Program.

Lawrence M. Tinghino – Reprimanded on June 6, 2012 (210 *N.J.* 250) for misrepresenting the status of a case to a client for an extended period of time after it had been dismissed. The respondent attempted to make restitution to the client on his own and self-reported his conduct to disciplinary authorities. David M. Repetto appeared before the DRB for District IIA and Edward W. Cillick appeared for the respondent.

John A. Tunney - Disbarred on March 16, 2012 (209 *N.J.* 427) for forging his partner's signature on a Motion

for Default filed with the DRB, failing to cooperate with disciplinary authorities, failure to promptly deliver funds to two clients, recordkeeping deficiencies, negligent misappropriation of trust funds, failure to adequately communicate in several client matters, gross neglect, pattern of neglect and lack of diligence in two client matters and failure to protect a client's interests after termination of representation. The respondent defaulted in most of these matters. The respondent's disciplinary history and the default postures of the cases were significant factors in the disbarment decision: Reprimanded in 2003 for mishandling four client matters; six-month suspension in 2004 for unethical conduct in six client matters; six-month suspension in 2005 for mishandling three client matters; and temporarily suspended in 2011. Melissa A. Czartoryski appeared before the Supreme Court for the OAE and respondent failed to appear.

David A. Tykulsker - Admonished on April 24, 2012 (*Unreported*) for failing to keep his client reasonably informed about the status of a workers' compensation matter and for failing to promptly comply with reasonable requests for information. Daniel J. Zirrieth represented District V-C before the DRB and respondent was pro se.

Eric W. Urbano – Disbarred by consent on October 5, 2012 (212 *N.J.* 195) following his arrest for third degree theft by deception, third degree receipt of stolen property, third degree forgery and third degree wrongful impersonation, following his signing and accepting receipt of a package he believed contained \$20,000.00 of collectible coins that had been ordered with a stolen credit card. Janice L. Richter represented the OAE and Kevin S. McArdle represented the respondent.

Ejike Ngozi Uzor - Admonished on May 29, 2012 (*Unreported*) for permitting non-lawyer entity to direct or control lawyer's professional judgment and sharing legal fees with a non-lawyer in conjunction with his employment and office space sharing arrangement with a loan-modification entity. Janice L. Richter represented the OAE and Robert M. Donchez represented the respondent on a motion for discipline by consent granted by the DRB.

Andrew P. Vecchione – Disbarred by consent on September 24, 2012 (212 *N.J.* 112) for knowingly misappropriating client trust funds. Michael J. Sweeney represented the OAE before the Supreme Court and Peter W. Kenny represented the respondent. The respondent was previously disciplined: Suspended for six months in 1999. This matter was discovered solely as a result of the Random Audit Program.

Vanessa Verduga - Admonished on January 25, 2012 (*Unreported*) for engaging in conduct involving

dishonesty, fraud, deceit or misrepresentation in relation to a purchase of real property in which the calculations on the RESPA statement were inaccurate and respondent indicated that she provided \$26,260.01 in cash at closing when, in fact, she provided no cash. The RESPA additionally listed a second mortgage in the summary of Seller's Transaction but not in the summary of Buyer's Transaction where it belonged. HoeChin Kim appeared before the DRB for the OAE and Richard D. DeVita appeared for respondent.

Damon Anthony Vespi - Admonished on October 2, 2012 (*Unreported*) for failing to advise his client in writing of the advisability of obtaining independent legal advice prior to entering into a contract with the client and obtaining a security interest in property (a liquor license) that was the subject of the representation. Respondent also failed to obtain the client's written consent to the terms of the contract and to respondent's role(s) in the agreement. Linda Couso Puccio represented District XI before the DRB and Michael P. Ambrosio represented respondent.

Ronald L. Washington - Admonished on July 27, 2012 (*Unreported*) for failing to keep a personal injury client reasonably informed about the status of her case and explain aspects of the case to the extent reasonably necessary to permit her to make an informed decision regarding the representation. Respondent also failed to cooperate with an ethics investigation. Carol N. Goloff represented District I before the DRB and respondent was pro se.

John L. Weichsel – Reprimanded on November 5, 2012 (212 *N.J.* 436) for failing to follow through on the filing of a lis pendens and an order to show cause in an unfair competition matter, for which he had received a \$6,000 retainer. Rebecca K. Spar appeared before the DRB for District IIB and respondent appeared pro se. The respondent was previously disciplined: Admonished in 2010.

Kevin P. Wigenton – Censured on April 3, 2012 (210 *N.J.* 95) for failing to safeguard and negligently misappropriating escrow and client trust funds, violation of recordkeeping rules, and conflict of interest by representing the seller while serving as a real estate broker in the same real estate transaction. Maureen G. Bauman appeared before the Supreme Court for the OAE and Shalom D. Stone represented the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

Mark G. Yates - Suspended for three months on September 26, 2012 (212 *N.J.* 188) for misrepresenting the status of a case to a client. Respondent missed the

statute of limitations on his client's claim, but lied to his client that litigation was ongoing. He then told his client he obtained a \$600,000 settlement, even drafting a settlement agreement and having his client sign the same. Such conduct was in violation of RPC 1.1(a), RPC 1.3, RPC 1.4(b), and RPC 8.4(c). HoeChin Kim appeared before the Supreme Court and respondent appeared pro se.

Mara Yoelson – Reprimanded on September 6, 2012 (212 *N.J.* 457) for forging a New Jersey court order to permit her son's use of her maiden name as his surname when registering him for elementary school. Lee A. Gronikowski appeared before the DRB for the OAE and David H. Dugan, III appeared for the respondent.

Leonard B. Zucker - Admonished on April 23, 2012 (*Unreported*) for failure to make a reasonable effort to expedite litigation and to treat all persons involved in the legal process with courtesy and consideration. Respondent failed to file a stipulation of dismissal arising out of an improperly filed foreclosure complaint until a motion for summary judgment and a grievance had been filed against respondent. He also failed to properly supervise non-lawyer staff. Susan B. McCrea represented District XII before the DRB and James A. Paone II represented respondent.

V. OTHER RELATED ACTIONS

The attorney disciplinary system also handles a significant number of other related actions involving New Jersey attorneys. During 2012, a total of 102 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 misconduct” 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 2012, a total of two (2) attorneys were the subject of a disability-inactive Order. This represents a decrease from 2011 when four (4) attorneys were also so transferred. Prior years’ results were: 2010 – 2; 2009 – 2; and 2008 – 1. During this 5-year period, an average of 2.2 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 2012.

C. DIVERSIONS

The diversionary program allows attorneys who have committed “minor” unethical conduct to be diverted from the disciplinary system. “Minor” misconduct 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 misconduct 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. It also factors the productive resolution of disputes between clients and attorneys outside of the disciplinary process. It also 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 2012, a total of 52 requests for diversion were received by the OAE: none were declined. By the end of the year, 55 diversions were successfully completed and 17 were still pending from 2012 and prior years. Occasionally, some respondents agree to diversion and then fail to complete the agreed conditions. This year, two respondents failed diversion. These matters were returned to district committees for the filing of formal complaints. Last year, 66 diversions were approved (67 requests less 1 rejection). During the last five years, an average of 68.2 diversions was approved. The most common diversion offenses for 2012 were: money-recordkeeping (11); gross neglect/lack of diligence/competence (10); money - other (6); and communication lacking with client (6).

The most popular condition imposed in diversion cases required the attorney to complete the New Jersey State Bar Association's Ethics Diversionary Education Course (43). Other required conditions included: letters of apology (6); continuing legal education (9); recordkeeping compliance reporting (3); and improving law office procedures (2). Last year, attendance at the Bar Association's Diversionary Course was also the primary remedial condition (63).

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 2012, which represents a 7.7% decrease from 2011 when thirteen (13) attorneys were reinstated.

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, 2012, thirty-six (36) 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.

Attorney Disciplinary System

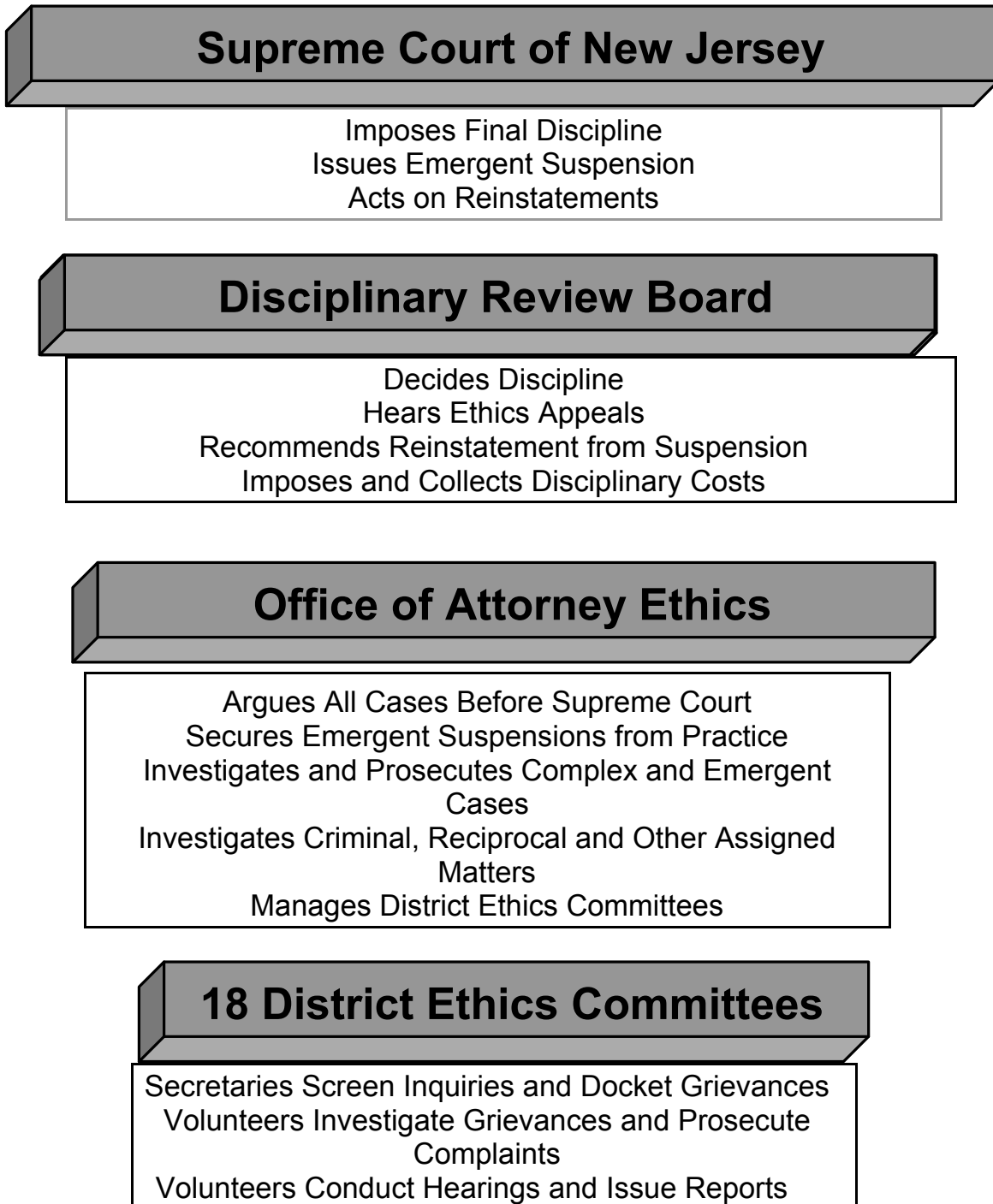


Figure 8

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 DECS

Ethics Committees consist of volunteer members who investigate, prosecute and decide disciplinary matters. As of September 1, 2012, there were 586 volunteers (495 attorneys and 91 public members) serving pro bono across the state. Each Ethics Committee consists of three officers: a chair, the chief

2012-2013 District Ethics Committee Officers

CHAIR	VICE CHAIR	SECRETARY
District I – Atlantic, Cape May, Cumberland and Salem Counties		
John F. Collins, Esq.	Joseph A. Levin, Esq.	Jacqueline Hawkins Stiles, Esq.
District IIA – North Bergen County		
Kevin C. Corrison, Esq.	David M. Repetto, Esq.	Nina C. Remson, Esq.
District IIB – South Bergen County		
Victoria R. Pekerman, Esq.	Salvador H. Sclafani, Esq.	Nina C. Remson, Esq.
District IIIA – Ocean County		
Benjamin H. Mabie, III, Esq.	Robert J. Ritacco, Esq.	Steven Secare, Esq.
District IIIB – Burlington County		
Maria L. Winters, Esq.	Mark Caira, Esq.	Cynthia S. Earl, Esq.
District IV – Camden and Gloucester Counties		
Dawnn E. Briddell, Esq.	Mark Rinaldi	John M. Palm, Esq.
District VA – Essex County - Newark		
Frank Magaletta, Esq.	Frank J. DeAngelis, Esq.	John J. Zefutie, Jr., Esq.
District VB – Essex County – Suburban Essex		
Andrew M. Contreras, Esq.	Louis David Balk, Esq.	Paula I. Getty, Esq.
District VC – Essex County – West Essex		
Stuart D. Minion, Esq.	Cheryl H. Burstein, Esq.	Jay M. Silberner, Esq.
District VI – Hudson County		
Stephen J. McCurrie, Esq.	Alan Molina, Esq.	Jack Jay Wind, Esq.
District VII – Mercer County		
David A. Clark, Esq.	Jennifer Weisberg Millner, Esq.	Alan G. Frank, Jr., Esq.
District VIII – Middlesex County		
Patricia M. Love, Esq.	Glynn J. Dwyer, Jr., Esq.	Manny Gerstein, Esq.
District IX – Monmouth County		
James D. Carton, IV, Esq.	Bunce D. Atkinson, Esq.	Joseph M. Casello, Esq.
District XA – East Morris and Sussex Counties		
Devanshu L. Modi, Esq.	Matthew P. O’Malley, Esq.	Caroline Record, Esq.
District XB – West Morris and Sussex Counties		
Thomas C. Jardim, Esq.	Moira E. Colquhoun, Esq.	Caroline Record, Esq.
District XI – Passaic County		
Michael J. Pasquale, Esq.	Linda Couso Puccio, Esq.	Robert L. Stober, Esq.
District XII – Union County		
Bill R. Fenstermaker, Esq.	Susan B. McCrea, Esq.	Michael F. Brandman, Esq.
District XIII – Hunterdon, Somerset and Warren Counties		
John E. Lanza, Esq.	Amy Z. Shimalla, Esq.	Donna P. Legband, Esq.

Figure 9

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.

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 composed of nine members: Five are lawyers (Louis Pashman, Esq., Chair, Bonnie C. Frost, Esq., Vice Chair, Edna Y. Baugh, Esq., Bruce W. Clark, Esq. and Morris Yamner, Esq.), one is a retired Assignment Judge (Hon. Maurice J. Gallipoli) and three are public members (Ms. Jeanne Doremus, Mr. Spencer V. Wissinger, III and Mr. Robert C. Zmirich). 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. 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 2012 to argue a total of 46 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 Helen E. Hoens (appointed in 2006); and Associate Justice Anne M. Patterson (appointed in 2011). There are currently two (2) vacancies on the Supreme Court. **(Figure 10)**

Supreme Court of New Jersey



Justice LaVecchia



Chief Justice Rabner



Justice Albin



Justice Hoens



Justice Patterson

Figure 10

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 2012, OAE ethics counsel appeared a total of 27 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 by clicking on the WEBCAST icon.

D. NEW JERSEY STATE BAR ASSOCIATION

The New Jersey State Bar Association (NJSBA) is not directly involved in the administration of the attorney disciplinary system. However, the NJSBA has always supported the Supreme Court in its efforts to strengthen the disciplinary system. This support includes, but is not limited to, assisting the OAE in identifying attorneys of the highest ethical standards to serve as volunteers on the DEC's and developing and administering the NJSBA Ethics Diversionary Education Course to assist attorneys who have engaged in minor unethical conduct in becoming better attorneys. The NJSBA also designates one representative to serve on the Disciplinary Oversight Committee (discussed below), which is charged with the responsibility to oversee the entire disciplinary system.

E. 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 2012, 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, 2012, survey prepared by the OAE for the National Organization of Bar Counsel, Inc., showed that New Jersey ranked 6th in attorney size (with 89,673 attorneys) out of 51 United States jurisdictions. The survey also demonstrated that the Garden State ranked 40th (at \$199) in the amount of mandatory fees required to practice. For 2011, New Jersey ranked 7th in size and 38th 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 2012 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. Alfred W. Clark, Mr. Richard Sackin and Mr. Luis J. Martinez) all of whom serve pro bono.

The annual disciplinary budget for calendar year 2012 was \$12,008,330. Sixty percent (60%) was allocated to the OAE and 19% 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%).

F. 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.

OAE Legal Group



From left to right – Front Row: Deputy Ethics Counsel Hillary Horton, Director Charles Centinaro, Deputy Ethics Counsel Maureen Bauman and Deputy Ethics Counsel Christina Blunda Kennedy Back Row: Deputy Ethics Counsel Melissa Czartoryski, Assistant Ethics Counsel Timothy J. McNamara, First Assistant Ethics Counsel Michael J. Sweeney, Deputy Ethics Counsel Jason Saunders, Statewide Fee Arbitration Coordinator/Assistant Ethics Counsel Isabel K. McGinty, Statewide Ethics Coordinator/Assistant Ethics Counsel Paula T. Granuzzo and Deputy Statewide Ethics Coordinator William B. Ziff. Not Shown: Deputy Ethics Counsel Missy Urban, Deputy Ethics Counsel HoeChin Kim and retired Deputy Ethics Counsel Janice L. Richter and Lee A. Gronikowski.↵

Figure 11

2. ADMINISTRATIVE GROUP

The work of the OAE is ably supported by its Administrative Group (**Figure 12**). 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.

OAE Administrative Group



From left to right: Network Administrator Jeffrey W. Renson and IT Manager Terry Herbert Not Shown: OAE Administrator Susan E. Fleming, Officer Coordinator Sharon Vandegrift.

Figure 12

3. SUPPORT GROUP

The OAE's Support Group for discipline (**Figure 13**) 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;

OAE Support Group



From left to right: Paula Ingling, Glenn McCollum, Barbara A. Cristofaro and Sharon Allen Not Shown: Marian Besecker, Danette Brown, Terry Bruck, Lydia Burrus, Anderia Calhoun, Ened Irizarry, Glenda McDaniel, Amanda Miller, Lavette Mims, Mercedes Schneider, PeggySue Spotts and Emma Tomlinson.

Figure 13

with many other important tasks without which the statewide disciplinary system could not operate.

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

4. COMPLEX INVESTIGATIVE GROUP

The OAE's Complex Investigative Group (Figure 14) 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.

OAE Complex Investigative Group



From left to right – Front Row: Auditor Tiffany M. Keefer, Assistant Chief Investigator Jeanine E. Verdel, Auditor Arthur L. Garibaldi, Auditor Gary S. Stroz, Auditor Steven J. Harasym, Auditor Harry Rodriguez, Investigator Jennifer M. Endrzejewski and Auditor Nicole M. French Back Row: Investigator Tashon Jackson, Sr., Auditor Tiffany L. Childs, Investigator Mary Jo Bolling, Auditor Philip H. Ziemiak, Investigator M. Scott Fitz-Patrick, Investigator Wanda L. Riddle, Chief of Investigations William M. Ruskowski, Auditor Jasmin Razanica, Assistant Chief Investigator Barbara M. Galati Not Shown: Auditor Joseph R. Strieffler, Jr., Investigator Julie Bakle Beck, Investigator Alan P. Beck, Investigator Gregory Kulinich, and Investigator Susan R. Perry-Slay.

Figure 14

5. DISTRICT ETHICS GROUP

The OAE District Ethics Group (OAE's DEC Group) (**Figure 15**) 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 and a secretary.

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

OAE District Group



From left to right –Deputy Statewide Coordinator William B. Ziff, Administrative Assistant Caroline E. Allen, Statewide Ethics Coordinator Paula T. Granuzzo and Secretary Octavia L. Frias

Figure 15

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 matters of client satisfaction. Disagreements over lawyers' fees not amounting to overreaching fall into this category. To assist in the resolution of these disagreements, the Supreme Court established a fee arbitration program, which utilizes 275 volunteers serving on 17 District Fee Arbitration Committees (Fee Committees) to screen and adjudicate fee disputes between clients and lawyers over the reasonableness of a lawyer's fee. New Jersey's fee system requires that the lawyer 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 lawyer must arbitrate the matter.

This program began in 1978 and was 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. Assistant Ethics Counsel Isabel McGinty, Esq. is the OAE's Statewide Fee Arbitration Coordinator. She is supported by an administrative assistant and a part-time data entry clerk. The OAE's Fee Arbitration Group also handles all appointments for 17 District Fee Arbitration Committees and provides administrative advice to committee members. As of September 1, 2012, there were 275 members of district committees (187 attorneys and 88 public members) serving pro bono across the state.

C. STRUCTURE

The fee arbitration process is a two-tiered system. Fee arbitration is conducted on two levels: 17 District Fee Arbitration Committees (**Figure 16**) and the statewide Review Board.

1. FILING FOR FEE ARBITRATION

The process begins when a client files an arbitration request with the secretary of the Fee Committee in a district where the lawyer maintains an office. Both the client and attorney are required to pay a \$50 administrative filing fee for using the system.

2012-13 District Fee Committee Officers

CHAIR	VICE CHAIR	SECRETARY
District I - Atlantic, Cape May, Cumberland and Salem Counties		
Marian E. Haag, Esq.	Demetrica Todd-Hunter, Esq.	Michael A. Pirolli, Esq.
District IIA – Bergen – North		
Michelle J. Marose, Esq.	Robert F. Davies, Esq.	Terrence J. Corrison, Esq.
District IIB - Bergen County – South		
Laura A. Nunnink, Esq.	Joshua T. Buckner, Esq.	Michael J. Sprague, Esq.
District IIIA - Ocean County		
Claire Marie Calinda, Esq.	Debra M. Himber, Esq.	Lisa E. Halpern, Esq.
District IIIB - Burlington County		
David W. Burns, Esq.	Kathleen P. Stockton, Esq.	Albert M. Afonso, Esq.
District IV - Camden and Gloucester Counties		
Nicole M. Acchione, Esq.	Nicole T. Donoian, Esq.	Daniel McCormack, Esq.
District VA - Essex County – Newark		
Kimberly K. Holmes, Esq.	Robert D. Kuttner, Esq.	Jodi Rosenberg, Esq.
District VB - Essex County - Suburban Essex		
Joseph A. Deer, Esq.	Richard Goldstein, Esq.	Harvey S. Grossman, Esq.
District VC - Essex County - West Essex		
Andrew D. Borg, Esq.	Kenneth J. Fost, Esq.	Peter J. Kurshan, Esq.
District VI - Hudson County		
[Vacancy following judicial app't]	James F. Ryan, Jr., Esq.	Marvin R. Walden, Jr., Esq.
District VII - Mercer County		
Thomas Letizia, Esq.	Rachel Usher Doobrajh, Esq.	Patricia M. Graham, Esq.
District VIII - Middlesex County		
Marianne W. Greenwald, Esq.	Paula A. Menar, Esq.	William P. Isele, Esq.
District IX - Monmouth County		
James H. Gorman, Esq.	Vincent E. Halleran, Esq.	Robert J. Saxton, Esq.
District X - Morris and Sussex Counties		
Catherine Romania, Esq.	Allen R. Langjahr, Esq.	Isabel McGinty, Esq., OAE (Acting Secretary)
District XI - Passaic County		
Peter F. Lefkowitz, Esq.	Paul A. Massaro, Esq.	Jane E. Salomon, Esq.
District XII - Union County		
Lisa M. Black, Esq.	Steven J. Luckner, Esq.	Carol A. Jeney, Esq.
District XIII - Hunterdon, Somerset and Warren Counties		
Christopher A. Emmi, Esq.	Olivier J. Kirmser, Esq.	John P. McDonald, Esq.

Figure 16

After the secretary docket the case, an Attorney Fee Response Form is sent to the attorney. It requests a copy of the bill, any written fee agreement and any time records. The attorney must serve a copy of the response on the client and pay the \$50 administrative filing fee to the secretary within 20 days after the attorney's receipt of the client's initial request for arbitration. Within that same period, the attorney may join, as a third party, any other "attorney or law firm that the original attorney claims is liable for all or a part of the client's claim." Rule 1:20A-3(b)(2). Thereafter, the matter can be set down for a hearing.

2. ARBITRATION HEARINGS

In cases involving fees of \$3,000 or more, the matter is heard before panels of three members, usually composed of two lawyers and one public member. Fee Committees have been composed of both lawyers 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. However, all parties have the power of subpoena, 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 brief statement of reasons annexed, usually within thirty days. The secretary mails the decision to the parties.

3. APPEALS

A limited right of appeal to the Review Board is provided 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 rule 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 Review Board. All appeals are reviewed by the Review Board on the record. Its decision is final. There is no right of appeal to the Supreme Court.

D. ANNUAL CASELOAD

In 2012, Fee Committees handled a total of 1,375 matters. They began the year with 480 cases pending from 2011. During the year, 895 new matters were added. **Figure 17.** A total of 806 cases were disposed of, leaving a balance of 569 matters pending at year's end. At the conclusion of 2012, the average number of cases pending before each of the 17 Fee Committees was 33.5 cases per district.

The 895 new filings received in 2012 represents only 1.25% of the active New Jersey lawyer population (71,578). With 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, the number of fee arbitration filings is a very small percentage of the total attorney-client transactions.

Changes In Fee Disputes

Year	Filings	Change	Overall
2012	895	-2.9%	-19.4%
2011	922	-18%	
2010	1,124	2%	
2009	1,102	-.8%	
2008	1,091	---	

Figure 17

1. FINANCIAL RESULTS

District Fee Committees arbitrated or settled matters involving a total of close to \$11.3 million in legal fees this year, which represents a decrease of 20% from the \$14.1 million in legal fees handled during 2011. Fee Committees conducted 526 hearings this year involving more than \$10 million in total attorney's fees charged. In 40% of the cases (211 hearings), they upheld the attorney's fees in full. In the balance of 57.4% of the fee cases (302 hearings), they reduced fees by a total of \$1.78 million, which represents 25.9% of the total billings subject to reduction.

The amount of reductions in arbitrated cases was analyzed in ranges of from less than \$100 up to \$20,001 to \$50,000. Close to 56% of the hearings resulting in a reduction and the dollar amount of the reduction was between \$251 and \$3,000. An additional 16.6% resulted in a reduction between \$5,001 and \$20,000. The average bill was \$19,048, and the average reduction was \$5,909. However, parties are not required to provide specific details in matters that are settled before hearing. Therefore, complete information on settlement amounts is not available.

2. AGE OF CASELOAD

More than two-thirds (70.6%) of all fee disputes disposed of (569 of 806) in 2012 had an average age of less than 180 days. This represents a 4.4% increase from 2011 when 66.2% of pending matters were disposed of within that 6-month time frame. The percentage of cases taking more than one year to complete was decreased by 2.6%, from 13% in 2011 to 10.4% in 2012. Cases in the mid-range - from 6 to 12 months of age – accounted for approximately one in five disposed matters at 19%, roughly the same as in 2011.

E. NATURE OF CASES

The type of legal matters handled is a primary factor in determining which cases utilized fee arbitration. Over the past five years, family actions (including matrimonial, support and custody cases) have consistently generated the most fee disputes (37.7%) 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 12.3%. Real Estate matters at 5.6% came in fourth place. Fifth place went to Contract matters with 4.8%. All other practice types accounted for 25.6% of fee dispute filings (including such areas as Estates, Bankruptcy and Negligence matters).

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. 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-one 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.

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).

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 Rule 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 Christopher Spedding. (**Figure 18**)

Random Audit Group



From left to right: Random Auditor Christopher W. Spedding, Senior Auditor Mimi Lakind, Assistant Chief Auditor Mary E. Waldman, Senior Auditor Karen J. Hagerman, Secretary Amy L. Mascia, Chief Auditor Robert J. Prihoda.

Figure 18

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

The New Jersey Recordkeeping Rule 1:21-6 has provided attorneys with detailed guidance on handling trust and business accounts for more than 44 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 Rule 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 six (6) attorneys detected solely by RAP were finally disciplined by the Supreme Court (**Figure 19**).

2012 RAP Sanctions

Attorney	County	Sanction	Citation	Violation
Falzone, Jr., John M.	Middlesex	Censure	209 N.J. 420	Negligent Misappropriation
Jaekel, William C.	Bergen	Disbarment By Consent	212 N.J. 111	Knowing Misappropriation
Kurzrok, Morris J.	Ocean	Admonition	Unreported	Money-Recordkeeping
Mergus, Athan M.	Bergen	Reprimand	210 N.J. 222	Failure to Abide by Client's Decisions
Vecchione, Andrew P.	Monmouth	Disbarment By Consent	212 N.J. 112	Knowing Misappropriation
Wigenton, Kevin P.	Monmouth	Censure	210 N.J. 95	Negligent Misappropriation

Figure 19

During the thirty-one years of RAP's operation, serious financial misconduct by 165 attorneys was detected solely as a result of being randomly selected for audit. These attorneys received the following discipline: 80 attorneys were disbarred; 16 were suspended for periods of three months to two years; 7 were censured; 45 were reprimanded; and 17 received admonitions. The vast majority of the matters detected were very serious disciplinary cases that resulted in disbarment or suspension. Disbarred (80) and suspended (16) attorneys account for almost six in ten of all disciplined attorneys (58.2%). However, discipline alone does not adequately emphasize the full importance of RAP's role over the past 31 years and the monies 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 were 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 2012, there were a total of 91,387 attorneys admitted to practice in the Garden State according to figures from the Lawyers' Fund for Client Protection (**Figure 20**). 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 1.91% in 2012. With a general population of 8,864,590, there is now one lawyer for every 97 Garden State citizens.

According to a July 1, 2012 survey compiled by the OAE for the National Organization of Bar Counsel, Inc., a total of 1,880,001 lawyers were admitted to practice in the United States. New Jersey ranked 6th out of 51 jurisdictions in the total number of lawyers admitted, or 4.77% of the July national total.

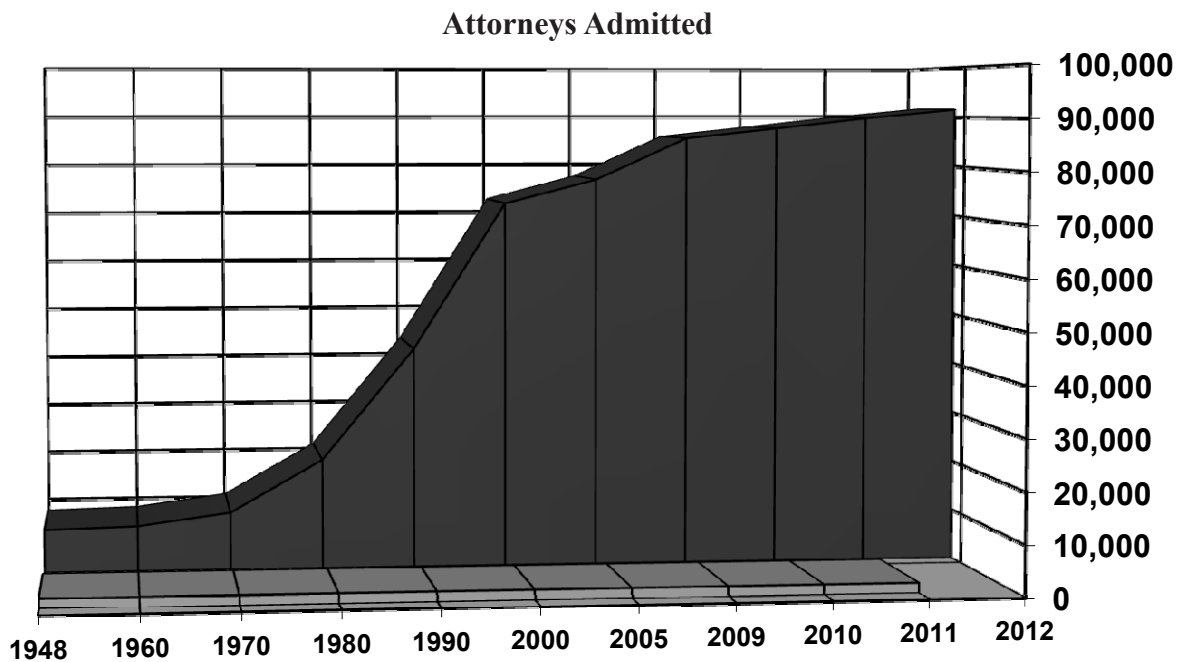


Figure 20

B. ADMISSIONS

As of January 4, 2012, the attorney registration database counted a total of 91,882¹ New Jersey-admitted attorneys. Close to sixty-four (64%) were admitted since 1991 and 21.5% were admitted between 1981 -1990. The other almost fifteen percent (14.7%) were admitted in 1980 or earlier.

Breakdowns by periods are: 1950 and earlier - 234 (.25%); 1951-1960 - 953 (1%); 1961-1970 - 3,025 (3.3%); 1971-1980 - 9,321 (10.2%); 1981-1990 - 19,737 (21.5%); 1991-2000 - 25,302 (27.5%); and 2001-2012 - 33,310 (36.3%).

¹This 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 or placed on disability-inactive status after the attorney registration statements were received and tabulated.

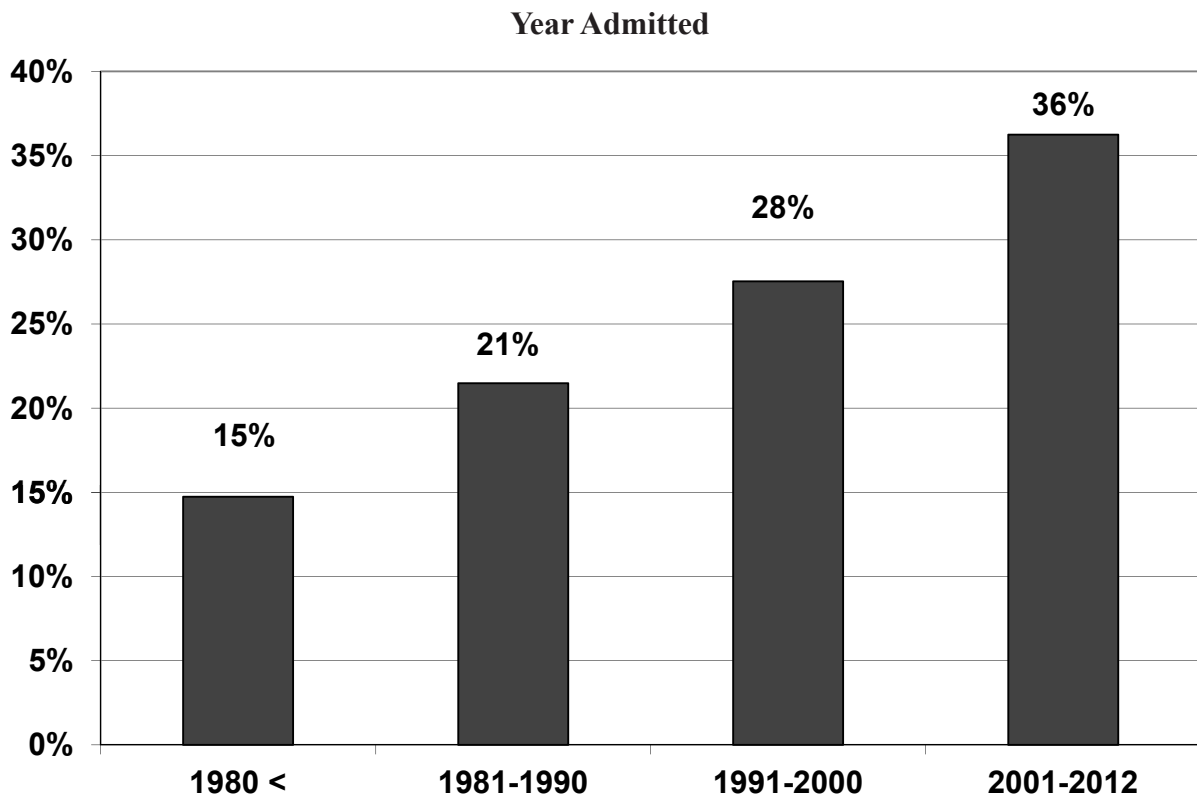


Figure 21

C. ATTORNEY AGE

Of the 91,882 attorneys for whom some registration information was available, 91,310 (99.4%) provided their date of birth. A total of 572 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-six percent (26.4% or 24,120). The 30-39 year category comprised 24.3% or 22,145 lawyers. Almost twenty-two percent (21.7% or 19,819) were between the ages of 50-59. The fewest numbers of attorneys were in the following age groupings: 29 and under (8.5% or 7,742), 60-69 (13.3% or 12,139) and 70 and older (5.9% or 5,345).

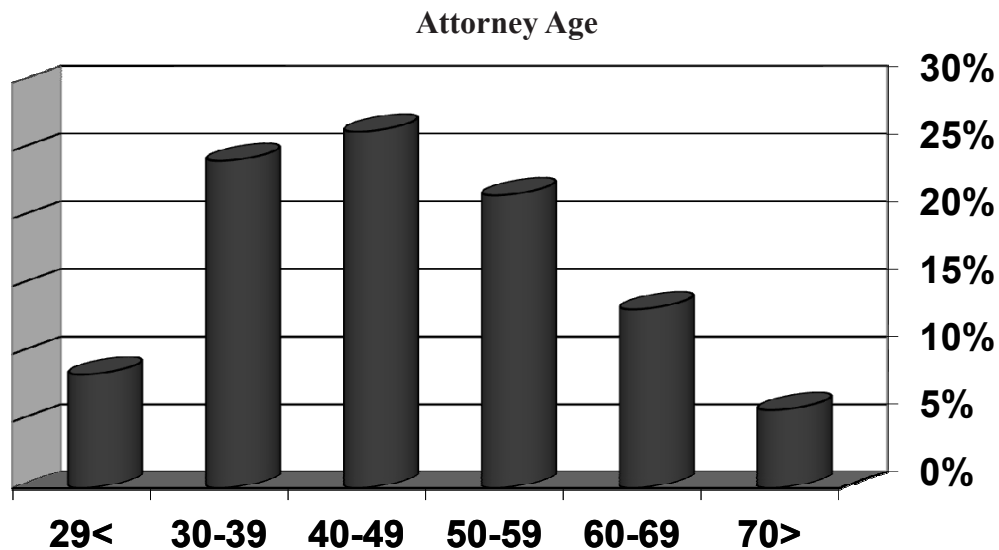


Figure 22

D. OTHER ADMISSIONS

Seventy-five percent (75%) of the 91,882 attorneys for whom some registration information was available were admitted to other jurisdictions. Twenty-five percent (25%) of all attorneys were admitted only in New Jersey.

Other Admissions

Admissions	Attorneys	Percent
Only In New Jersey	23,033	25.07%
Additional Jurisdictions	68,849	74.93%
Totals	91,882	100.00%

Figure 23

Admissions in Other Jurisdictions

Jurisdiction	Admissions	Percent	Jurisdiction	Admissions	Percent
New York	38,473	43.50%	Nevada	103	0.12%
Pennsylvania	23,636	26.72%	West Virginia	91	0.10%
District of Col.	6,448	7.29%	Vermont	82	0.09%
Florida	3,121	3.53%	South Carolina	79	0.09%
California	1,697	1.92%	Kentucky	78	0.09%
Connecticut	1,501	1.70%	Oregon	72	0.08%
Massachusetts	1,379	1.56%	Rhode Island	71	0.08%
Maryland	1,112	1.26%	New Mexico	68	0.08%
Delaware	704	0.80%	Hawaii	67	0.08%
Virginia	685	0.77%	Alabama	56	0.06%
Illinois	626	0.71%	Virgin Islands	50	0.06%
Texas	515	0.58%	Kansas	43	0.05%
Georgia	474	0.54%	Iowa	41	0.05%
Colorado	428	0.48%	Oklahoma	39	0.04%
Ohio	392	0.44%	Puerto Rico	29	0.03%
North Carolina	311	0.35%	Arkansas	26	0.03%
Arizona	260	0.29%	Mississippi	26	0.03%
Michigan	259	0.29%	Utah	25	0.03%
Minnesota	170	0.19%	Alaska	22	0.02%
Missouri	161	0.18%	Montana	22	0.02%
Washington	143	0.16%	Idaho	16	0.02%
Wisconsin	128	0.14%	North Dakota	12	0.01%
Louisiana	124	0.14%	South Dakota	8	0.01%
Tennessee	123	0.14%	Guam	3	0.00%
Maine	114	0.13%	Nebraska	0	0.00%
New Hampshire	105	0.12%	Wyoming	0	0.00%
Indiana	104	0.12%	Invalid Responses	4,127	4.67%
			Total Admissions	88,449	100.00%

Figure 24

E. PRIVATE PRACTICE

Of the 91,882 attorneys on whom registration information was tabulated, 36,193 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 25**. Forty-one percent (40.3%) of the attorneys engaged in the private practice of New Jersey law, while fifty-nine percent (59.7%) did not practice in the private sector.

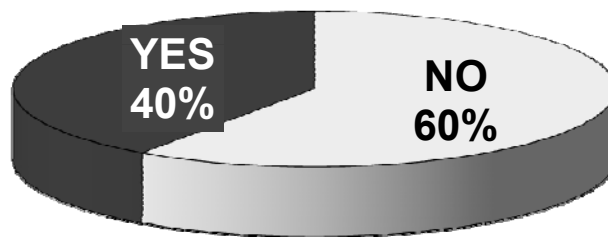
Of those who engaged in the private practice of New Jersey law, almost sixty percent (59.7%) practiced full-time, twenty percent (20.3%) rendered legal advice part-time and seventeen percent (17.2%) engaged in practice occasionally (defined as less than 5% of their time). Three percent (3%) of responses were unspecified.

Private Practice of New Jersey Law

Response	Number	Percent
NO	53,504	59.65%
YES	36,193	40.35%
Full-time	21,615	
Part-time	7,332	
Occasionally	6,213	
Unspecified	1,033	
Total	89,697	100%

Figure 25

Attorneys Privately Practicing New Jersey Law



1. PRIVATE PRACTICE FIRM STRUCTURE

Of the 36,193 attorneys who indicated they were engaged in the private practice of New Jersey law, 96.4% (34,879) provided information on the structure of their practice. Over thirty-three percent (33.3%) of the responding attorneys practiced in sole proprietorships (sole practitioners (10,585) plus sole stockholders (1,032)). The next largest group was partners at 28.2% (9,843), associates at 28.17% (9,824), followed by other than sole stockholders with 4.1% (1,417) and attorneys who were of counsel with 6.2% (2,178).

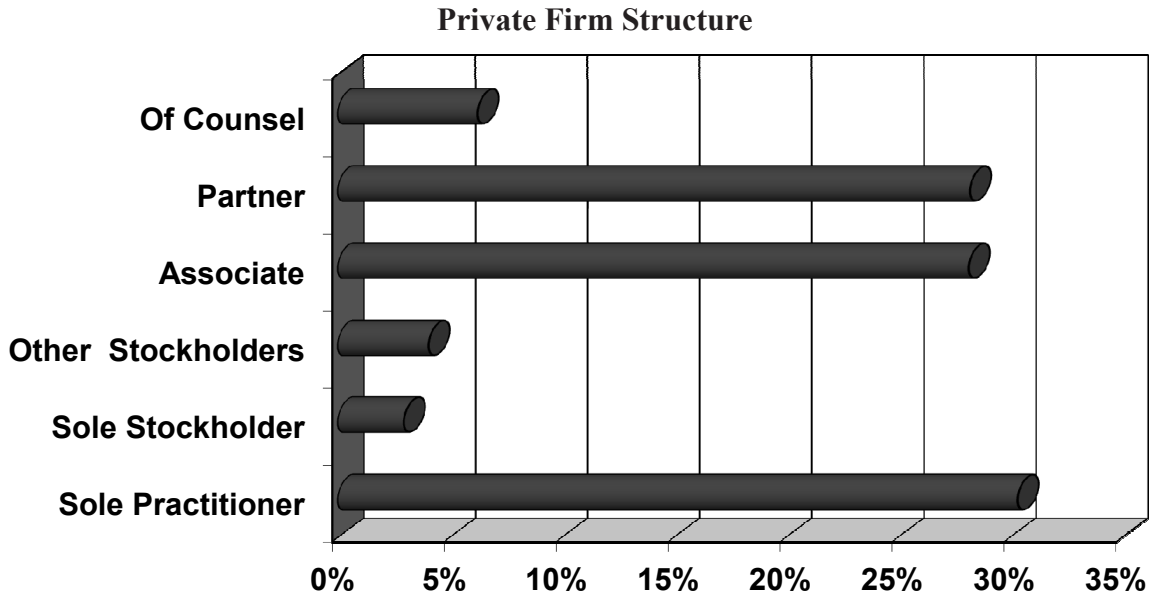


Figure 26

2. PRIVATE PRACTICE FIRM SIZE

More than ninety-five percent (95.5%, or 34,579) 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 (32.4%, or 11,199) said they practiced alone; 10% (3,449) worked in two-person law firms; 14.1% (4,877) belonged to law firms of 3-5 attorneys; 26.5% (9,172) were members of law firms with 6-49 attorneys and 16.98% (5,872) worked in firms with 50 or more attorneys.

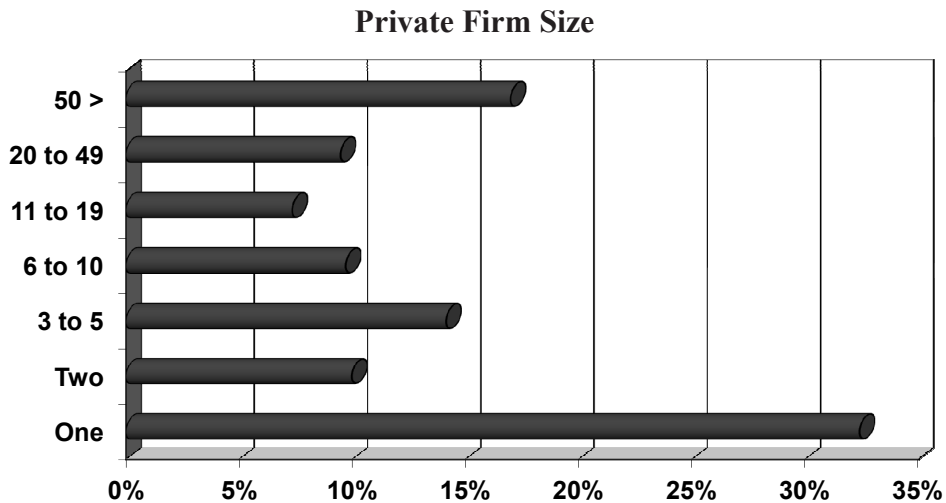


Figure 27

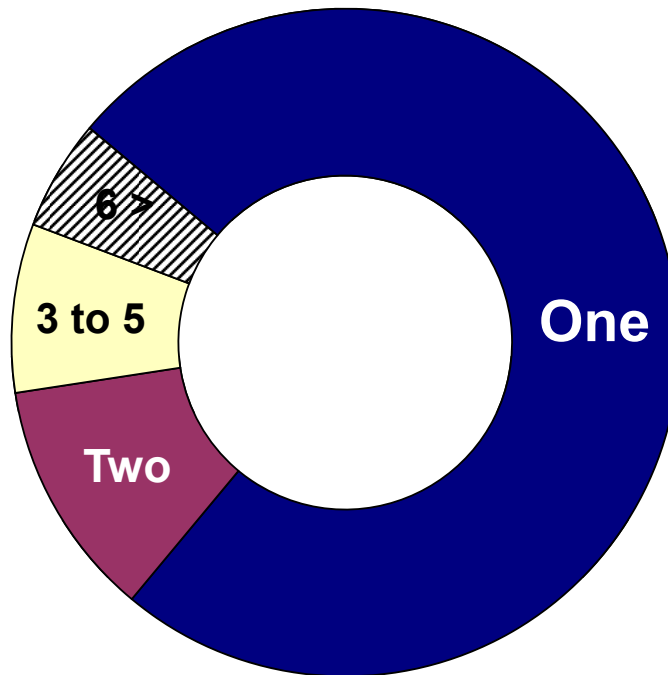
3. PRIVATE PRACTICE LAW FIRM NUMBER

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 36,193 attorneys who indicated they engaged in the private practice of New Jersey law. A total of 34,579 (95.5%) 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. Almost three-quarters of all law firms (74.9%) were solo practice firms, while just 5.4% had 6 or more attorneys.

Number of Firms

Size Of Law Firm	Number Of Attorneys	Firm Size Midpoint	Number Of Firms	Individual Category %
One	11,199	1	11,199	74.93%
Two	3,449	2	1,725	11.54%
3 to 5	4,887	4	1,222	8.17%
6 to 10	3,356	8	420	2.81%
11 to 19	2,539	15	169	1.13%
20 to 49	3,277	35	94	0.63%
50 >	5,872	50	117	0.79%
Total	34,579		14,945	100.00%

Figure 28



4. BONA FIDE NEW JERSEY OFFICES

New Jersey attorneys are no longer required to maintain a bona fide office in New Jersey. Nevertheless, eighty percent of New Jersey attorneys (28,960) have a bona fide office in the state. Twenty-percent of New Jersey attorneys (7,041) had offices located in other jurisdictions: New York 9.8% (3,549), Pennsylvania 8.4% (3,054), Delaware less than 1% (89), and various other United States jurisdictions represent 0.96% (349), while less than one percent (.53) failed to indicate their state.

New Jersey Bona Fide Private Offices

County	Number	Percent	County	Number	Percent
Atlantic	654	2.24%	Middlesex	1,801	6.18%
Bergen	3,588	12.31%	Monmouth	1,980	6.79%
Burlington	1,342	4.60%	Morris	3,302	11.33%
Camden	2,958	10.15%	Ocean	773	2.65%
Cape May	181	0.62%	Passaic	896	3.07%
Cumberland	179	0.61%	Salem	58	0.20%
Essex	4,607	15.80%	Somerset	999	3.43%
Gloucester	392	1.34%	Sussex	223	0.76%
Hudson	1,072	3.68%	Union	1,532	5.26%
Hunterdon	328	1.13%	Warren	164	0.58%
Mercer	1,924	6.60%	No County Listed	199	0.68%
Total			29,152	100.00%	

Figure 29

5. BONA FIDE PRIVATE OFFICE LOCATIONS

Of the 28,960 attorneys engaged in private practice of New Jersey law from offices located within this state, 99.3% (28,768) indicated the New Jersey County in which their primary bona fide office was located, while 192 attorneys did not. Essex County housed the largest number of private practitioners with 15.8% (4,607), followed by Bergen County with 12.3% (3,588). Morris County was third at 11.3% (3,302) and Camden County was fourth with 10.2% (2,958).

Bona Fide Private Office Locations

State	Number	Percent
New Jersey	28,960	80.02%
Pennsylvania	3,054	8.44%
New York	3,549	9.81%
Delaware	89	0.25%
Other	349	0.96%
No State Listed	192	0.53%
Total	36,193	100%

Figure 30



Office of Attorney Ethics