

*Disciplinary Review Board
of the
Supreme Court of New Jersey*

*Annual Report
Jan. 1, 2021 - Dec. 31, 2021*

July 5, 2022

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

I am pleased to submit to the Court the 2021 Annual Report of the Disciplinary Review Board.

For the majority of 2021, the Office of Board Counsel (the OBC) continued to operate with reduced on-site staffing in accordance with the Court's Orders and administrative direction resulting from the ongoing COVID-19 pandemic. Consistent with the Court's administrative direction, full on-site staffing resumed on September 7, 2021, which concurrently saw the introduction of the Court's Remote Work Program. All of the Board's monthly hearings were convened remotely via Zoom.

Notwithstanding those challenges, the Board resolved 370 matters, transmitted to the Court ninety-five decisions in disciplinary cases, and docketed 274 new matters.

Throughout the year, the OBC onboarded talented new attorney staff and streamlined its docketing workflow. It is hoped that those investments and the revisions to this Annual Report will pay dividends for the Board, bar, and public in 2022 and beyond.

The Board looks forward to continuing its fair and expeditious resolution of disciplinary cases in 2022 and remains committed to fulfilling its duties as established and directed by the Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Johanna Barba Jones". The signature is fluid and cursive, with the first name being the most prominent.

Johanna Barba Jones
Chief Counsel

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HISTORY AND ROLE OF THE BOARD

The Disciplinary Review Board (the Board) serves as the intermediate appellate tribunal of New Jersey's attorney disciplinary system. The district ethics committees investigate, prosecute, and recommend discipline in most disciplinary matters. The Office of Attorney Ethics (the OAE) oversees the districts and exercises statewide jurisdiction over complex and emergent matters. In some cases, the Supreme Court appoints special masters to hear disciplinary matters.

The Board reviews all recommendations for discipline from the districts and from special masters. The Board's decisions as to discipline are final in all cases, subject to the Supreme Court's confirming order, except those decisions recommending disbarment. In contrast, the Board's determinations of appeals from dismissals of ethics grievances and of appeals from fee arbitration committee rulings are final, with no judicial recourse.

The Supreme Court created the Board in 1978 and the OBC in 1984. In mid-1994, the Supreme Court eliminated all private discipline and made public all disciplinary proceedings subsequent to the filing and service of a formal complaint.

As part of the disciplinary system, the Board is funded exclusively by the annual assessments paid by New Jersey attorneys. In 2021, New Jersey attorneys admitted in their fifth to forty-ninth year of practice were assessed \$212 to fund various components of the disciplinary system. Attorneys in their third and fourth years of practice were assessed \$183. Attorneys in their second year of admission were assessed \$35. Attorneys in their first year of admission and attorneys practicing fifty or more years are not charged a fee.

All Board members are volunteers; however, the OBC staff is professional. The 2021 budget for the disciplinary system, as approved by the Supreme Court upon recommendation of the Disciplinary Oversight Committee, allocated \$2,245,226 to cover salaries and benefits for OBC employees and an additional \$183,950 to cover the Board's operating costs.

BOARD FUNCTIONS

The Board reviews disciplinary and fee cases de novo on the record, with oral argument at the Board's discretion. The Board's practice is to hear oral argument on all cases in which a district ethics committee¹ or a special master issues a report recommending discipline greater than an admonition. At the conclusion of oral argument, the Board privately decides the appropriate outcome of each case, voting for either dismissal of the complaint or for the

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

imposition of one of several forms of discipline: admonition, reprimand, censure, a term of suspension, or disbarment. Occasionally, the Board will remand a matter for further proceedings.

In addition to discipline, the Board may impose conditions or restrictions upon an attorney's continued practice of law, such as proctorship; course requirements; proof of fitness certified by a mental health practitioner; periodic submissions of trust account reconciliations; annual audits of trust account records; disgorgement of unearned fees; establishment or continuation of psychological or substance abuse treatment; and the requirement that an attorney practice under the supervision of another attorney. In rare instances, the Board may require community service.

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

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

When an attorney has been convicted of a crime, or has been disciplined in another jurisdiction, the OAE will file with the Board a motion for final discipline (R. 1:20-13(c)) or a motion for reciprocal discipline (R. 1:20-14), respectively. Following receipt of briefs, oral argument, and the Board's deliberation, the OBC files the Board's decision with the Supreme Court.

Under R. 1:20-10, motions for discipline by consent are filed directly with the Board, without a hearing below. Discipline by consent is not plea bargaining, which is not permitted in disciplinary matters. In such motions, the parties stipulate to the unethical conduct, the specific Rules of Professional Conduct violated and, in their view, the level of discipline supported by precedent. Following the Board's review of the motion on the written record, it may either grant the motion and file a letter decision with the Supreme Court or deny the motion and remand the case to the district ethics committee or to the OAE for appropriate action.

If an attorney fails to timely file a verified answer to a formal ethics complaint, the district

ethics committee or the OAE certifies the record directly to the Board for the imposition of discipline. R. 1:20-4(f)(2). The Board treats the matter as a default. If the attorney files a motion to vacate the default, the Board will review the motion simultaneously with the default case. If the Board vacates the default, the matter is remanded to the district ethics committee or to the OAE for further proceedings. Otherwise, the Board will proceed with the review of the case on a default basis, deeming the allegations of the complaint admitted. R. 1:20-4(f)(1). Thereafter, the OBC files the Board's formal decision with the Supreme Court.

A disciplinary matter may also come to the Board in the form of a disciplinary stipulation. In these cases, the attorney and the ethics investigator jointly submit a statement of the attorney's conduct and a stipulation specifying the Rules of Professional Conduct that were violated. The Board may accept the stipulation and impose discipline by filing a formal decision with the Supreme Court, or it may reject it and remand the matter either for a hearing or for other appropriate resolution.

In addition, the Board reviews cases, pursuant to R. 1:20-6(c)(1), in which the pleadings do not raise genuine disputes of material fact, the respondent attorney does not request to be heard in mitigation, and the presenter does not request to be heard in aggravation. In those cases, the Board reviews the pleadings and a statement of procedural history in determining the appropriate sanction to be imposed.

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

Further, the Board reviews petitions for reinstatement, filed pursuant to R. 1:20-21, by attorneys who have been suspended from the practice of law by the Supreme Court. Typically, the Board considers these petitions without the necessity of oral argument and issues a recommendation to the Supreme Court regarding whether the attorney should be permitted to return to the practice of law.

Further still, the Board reviews, pursuant to R. 1:20-9, requests for the release of confidential documents in connection with a disciplinary matter, and requests for protective orders to prohibit the release of specific information. It also evaluates R. 1:20-12 (b) motions for medical examination, as well as motions for reciprocal disability inactive status. Finally, the Board considers motions for temporary suspension filed by the OAE, in accordance with R. 1:20-15(k), following an attorney's failure to comply with a fee arbitration determination or a stipulation of settlement. In those cases, the Board recommends to the Supreme Court whether the attorney should be temporarily suspended until the fee and any monetary sanction imposed are satisfied.

The OBC functions as a clerk's office (docketing, case processing, calendaring, distribution, and document storage), in-house counsel to the Board (providing legal research and legal advice to the Board), and a cost assessment and collection agency (assessing administrative and actual costs, collecting payments, and enforcing assessments by filing judgments and seeking temporary suspensions for non-payment).

BOARD MEMBERSHIP

The Board comprises nine members appointed by the Supreme Court who serve, without compensation, for a maximum of twelve years (four three-year appointments). Three appointees are nonlawyer, public members; one member is customarily a retired judge of the Appellate Division or the Superior Court; the remaining five members are attorneys.

Until March 31, 2021, the Board was Chaired by Bruce W. Clark, Esq., and Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.), served as Vice-Chair. Effective April 1, 2021, Vice-Chair Gallipoli was designated by the Supreme Court to serve as Chair, and attorney member Anne C. Singer, Esq., was designated to serve as Vice-Chair.

Also in 2021, Chair Clark and Member Zmirich completed their final terms with the Board. The Supreme Court appointed two new members to the Board: attorney member Steven L. Menaker, Esq., and public member Jorge A. Campelo. Lastly, the Supreme Court re-appointed three members to three-year terms, from April 1, 2021 through March 31, 2024.

Chair

Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.)

Judge Gallipoli, of Mountainside, was appointed to the Board in 2012 to fill the unexpired term of Judge Reginald Stanton and, thereafter, to a full term in his own right. He served as the Board's Vice-Chair from 2019 until 2021, when he began his service as Chair. Judge Gallipoli served in the judiciary for 25 years, from 1987 to 2012, when he reached the mandatory retirement age for Superior Court judges. He served as the Presiding Judge, Civil Part, Hudson County for many years and was the Assignment Judge for the Hudson vicinage for the last eight years of his judicial service. He currently is associated with the firm of Porzio, Bromberg & Newman, P.C., in Morristown, in an "of counsel" capacity.

Vice-Chair

Anne C. Singer, Esq.

Anne C. Singer, of Cherry Hill, is a solo practitioner at the Law Office of Anne C. Singer. Her practice focuses on commercial litigation, federal criminal defense, and appeals. Ms. Singer was admitted to the New Jersey Bar in 1973, and was appointed to the Board in

November 2013, after serving on the District IIIB Ethics Committee. She served as the Board's Vice-Chair during its 2021-2022 term. She served as an Assistant United States Attorney in the civil and criminal divisions of New Jersey's U.S. Attorney's Office from 1978 to 1990; clerked for Justice Robert L. Clifford of the Supreme Court of New Jersey; is past Chair of the State Bar Association's Criminal Law Section; is a member of the New Jersey Law Journal Editorial Board; and was, for fourteen years until December 2020, a member of the Supreme Court's Advisory Committee on Professional Ethics. Ms. Singer is a graduate of the University of Chicago (B.S.), University of Alabama (M.S.), and University of Cincinnati Law School, where she was editor-in chief of the law review.

Peter J. Boyer, Esq.

Mr. Boyer, of Cherry Hill, was appointed to the Board in 2015. He previously served as a member, Vice-Chair, and Chair of the District IV Ethics Committee, and presently serves as a member of the American Law Institute and of the Business Torts and Unfair Competition Committee of the Section of Litigation of the American Bar Association. Mr. Boyer regularly lectures on the topic of Ethics and Professional Responsibility. Mr. Boyer concentrated his practice on commercial and business litigation matters and pre-litigation counseling with respect to commercial disputes, most recently as a partner at Hyland Levin Shapiro, LLP. He is a graduate of the University of Pennsylvania and the Georgetown University Law Center, where he served as an editor of the American Criminal Law Review.

Jorge A. Campelo

Jorge A. Campelo, of Millstone Township, was appointed to the Board in 2021. He previously served as a public member on the District IX Fee Arbitration Committee. Mr. Campelo is the owner and operator of BRISA Financial Services. The firm focuses on accounting, taxation and management consulting for business and individual clients worldwide. He was previously a Director of Private Banking at American Express Company and Professor of accounting and business policy at Saint Peter's College/American Institute of Banking. Mr. Campelo is a graduate of Saint John's University (M.B.A.) and S.U.N.Y. Fredonia (B.S.), and is an E.A. and P.M.P.

Thomas J. Hoberman, CPA

Thomas J. Hoberman, CPA/ABV/CFF, of Princeton, was appointed to the Board in November 2013. A graduate of the University of Maryland, Mr. Hoberman is the partner in charge of the Forensic and Valuation Services Department at the advisory, tax, and audit firm WithumSmith+Brown.

Regina Waynes Joseph, Esq.

Regina Waynes Joseph, of West Orange, is a solo practitioner at Regina Waynes Joseph Attorney at Law. Her practice concentrates in labor and employment related litigation; corporate; not for profit; civil rights; and entertainment law. Ms. Joseph also is an Arbitrator for FINRA and other panels, Certified Federal Mediator, U.S. District Court of New Jersey, and Civil Mediator, Superior Court of New Jersey. Ms. Joseph was appointed to the Board in 2018, after serving as a member of the District VC Ethics Committee; member, Vice-Chair, and Chair of the District VC Fee Arbitration Committee; member of the Supreme Court Committee on Complementary Dispute Resolution; and member of the Supreme Court Committee on Minority Concerns. She is a past President of the Garden State Bar Association and previously served as a member of the Board of Governors of the National Bar Association. Ms. Joseph received her B.A. from the College of Mount Saint Vincent, M.A. from Columbia University, and J.D. from Rutgers University School of Law – Newark.

Steven L. Menaker, Esq.

Steven Menaker is a partner at Chasan Lamparello Mallon & Cappuzzo, PC in Secaucus. He was appointed to the Board in 2021. For almost two decades, he has been certified by the Supreme Court of New Jersey as a Civil Trial Attorney and concentrates his practice in business, commercial, and professional liability litigation. Mr. Menaker served as a Member, Vice Chair, and Chair of the District VI Ethics Committee, on the Supreme Court Advisory Committee on Professional Ethics, as Chair of the New Jersey State Bar Association Ethics Diversionary Committee, and as Chair of the Hudson County Bar Association Professionalism Committee. He is a graduate of Brooklyn College (City University of New York) and Rutgers University School of Law (Newark).

Peter Petrou, Esq.

Peter Petrou, of Parsippany, was appointed to the Board in April 2019, following previous appointments as a special ethics master, a member of the Unauthorized Practice of Law Committee, and a member and former Chair of the District X Ethics Committee. Upon graduation from Duke Law School, where he was a member of the Duke Law Review, Mr. Petrou clerked for the Honorable Leo Yanoff, J.S.C. Mr. Petrou primarily practiced in the area of complex commercial litigation and commercial transactions. He also served as a court-appointed mediator and arbitrator for commercial disputes. His clients included many approved private schools for the developmentally disabled, leading to his current position as the Executive Director of ECLC of New Jersey, with administrative responsibility for its receiving schools, adult day programs, and agency providing job placement, supported employment, and support coordination services.

Eileen Rivera

Eileen Rivera, of Belleville, was appointed to the Board in June 2014. A Rutgers-Newark graduate, she is a career social worker who was employed in the Juvenile Justice system prior to her retirement. Prior to her appointment to the Board, Ms. Rivera was a member of the District VB Ethics Committee, for four years, serving as its designated public member.

OFFICE OF BOARD COUNSEL

During 2021, the OBC continued to be structured to include eighteen total staff. In May 2021, one position was converted from a Judiciary Secretary 1 to an Associate Counsel position. From May 2021 forward, the eighteen total positions were designated to include eight paraprofessionals, three attorney managers (one Chief Counsel and two Deputy Counsel), and seven staff attorneys (five Assistant Counsel and two Associate Counsel).

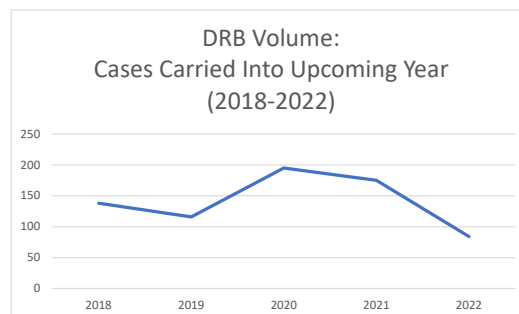
In 2021, excluding vacancies, the OBC enjoyed an overall staff retention rate of 87 percent. The OBC attorney workforce added four new members, filling both 2020 and 2021 vacancies.

Supporting the work of the OBC are seven paraprofessionals: one information technology analyst; one administrative supervisor; two administrative specialists; one court services officer; one technical assistant; and two secretaries. The average tenure of paraprofessional staff at year end was 13.5 years at the Judiciary and 12.5 years in service to the DRB. The existing paraprofessional staff remained constant throughout 2021.

CASELOAD INFORMATION

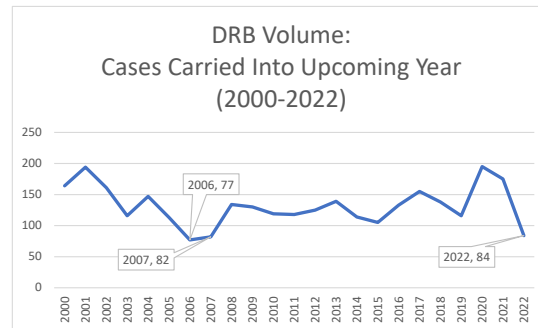
Overall, 2021 statistics are consistent with an office that welcomed both a new Chief Counsel and four new staff attorneys. Downward trends were stabilized by the fourth quarter. Also notable is the delayed effect of the COVID-19 pandemic upon the number of filings docketed with the Board for resolution.

Continuing a downward trend in volume of cases carried into the new year, the Board closed the year with 84 open matters, fewer than half the matters it carried into 2021.



By December 31, 2021, all but four of the 175 matters docketed in 2020 had been resolved. Those matters deliberately had been held for combined consideration pending the conclusion of underlying pending litigation. See Appendix Figures 1 and 2.

Placing that data in historical context, this is the lowest and best number of carried cases since the Board carried 82 cases into 2007.

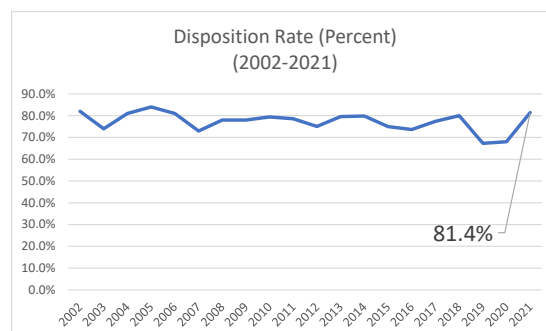


This same data is grouped by case type in the appendix as Appendix Figure 3. By contrast, the Board experienced a reduction in the number of cases received for docketing. The general diminution in volume of docketed cases was not limited to disciplinary matters in which discipline had been recommended. A smaller number of appeals of disciplinary and fee arbitration cases were also received from members of the public and respondents.

Petitions for reinstatement by suspended attorneys, which historically have ranged between 6 and 18 per year, also diminished to a low of only five petitions for reinstatement received. Those low numbers were not entirely without precedent, with comparable lows of six petitions for reinstatement processed in 2013 and 2016.

Filings are expected to increase over the next several quarters, consistent with projections by the Office of Attorney Ethics, as staffing across the disciplinary system stabilizes and the impacts of the pandemic are mitigated.

Over the past twenty years, the Board has studied its disposition rate by dividing the total cases carried and docketed from the prior year by the total number of cases resolved in that same year. Since 2002, the Board's disposition rate has ranged between a low of 67.3% in 2019 and a high of 82% in 2002. In 2021, the Board resolved 364 of the 447 matters carried into or docketed during calendar year 2021 – a disposition rate of 81.4%.



In 1995, the Court set specific timeframes for disposition of matters at all levels of the disciplinary system. At the appellate level, pursuant to R. 1:20-8(c), recommendations for discipline are to be resolved within six months of the docket date, while all ethics and fee arbitration appeals have a three-month resolution time goal. See Appendix Figure 5. By operation of Rule, time goals are non-jurisdictional. When viewed annually, disposition times increased across most case types. However, by the fourth quarter, disposition times stabilized as OBC began to realize the benefits of its new attorney staff and strategic process improvements.

BOARD ACTION

Discipline

In 2021, the Board rendered dispositions in fifty-seven presentments, thirteen stipulations, twenty-four motions for reciprocal discipline, and twenty-three motions for final discipline. The Board decided nineteen motions by consent for the imposition of discipline greater than an admonition.

Of the fifty-eight defaults resolved by the Board, two were administratively dismissed (one due to service deficiencies and one due to the withdrawal by the OAE of its certification of the record); two were remanded to the OAE (one for a procedural deficiency and one for further investigation after the Board granted the attorney's motion to vacate the default); five were dismissed as moot after those attorneys were disbarred in other matters; and in one default matter, the Board determined that no additional discipline was warranted.

The Board reviewed twenty admonition matters in 2021. Of these, eight resulted in letters of admonition after review on the papers; seven were treated as presentments; three were dismissed; and the Board determined to impose no discipline in two admonition matters. In addition, the Board resolved two motions for imposition of admonition by consent, resulting in two letters of admonition.

The Board also reviewed and resolved nine motions for temporary suspension; six petitions for reinstatement; seven R.1:20-6(c)(1) matters; and fourteen miscellaneous matters.

Appeals

The Board considered ninety-nine appeals in 2021. Of the forty-eight ethics appeals reviewed in 2021, the Board remanded eight cases (16.7%) to the district ethics committees for further action. The 2021 percentage of remand on ethics appeals was higher than the 5% rate of remand in 2020.

The rate of remand for fee appeals was higher than for ethics appeals in 2021: of the fifty-one fee appeals reviewed, the Board remanded thirteen cases (25.5%) to the district fee arbitration committees, a rate lower than the 27% experienced in 2020. The reasons for fee

remand varied: eight for palpable mistakes of law, three to correct the determinations, and two for due process deficiencies. In addition to these thirteen remands, one matter was settled between the parties and administratively dismissed.

SUPREME COURT ACTION

In 2021, the OBC transmitted to the Supreme Court 159 formal decisions recommending discipline, 64 more than in 2020. In addition to those decisions, sixteen determinations on motions for discipline by consent, seven recommendations on motions for temporary suspension, six recommendations on petitions for reinstatement, and two miscellaneous matters were sent to the Supreme Court.

Of the 159 formal decisions, the Supreme Court agreed with the Board's determination in 82% of its final orders in 2021. Adding the Board's letter decisions recommending final discipline and admonitions accepted by the Court, that number rises to 93% agreement. In one matter, the Supreme Court determined to impose greater discipline. In ten matters, the Supreme Court determined to impose a lesser degree of discipline. In one matter, the Supreme Court resolved a split decision. See Appendix Figure 6.

COLLECTION OF ADMINISTRATIVE COSTS

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

The OBC assesses and collects costs and, in certain cases, monetary sanctions, on behalf of the Disciplinary Oversight Committee. R. 1:20-17 provides various avenues of recourse for collection when an attorney fails to pay assessed costs, including temporary suspension and entry of judgment. By the end of 2021, the OBC was current with cost assessment in every case in which the Supreme Court ordered costs to be paid. In 2021, the Supreme Court accepted consents to disbarment in seven matters unrelated to Board cases. Nevertheless, the OBC assessed and began the collection process for Court-ordered costs in those matters, pursuant to R. 1:20-17.

During calendar year 2021, the OBC assessed disciplined attorneys a total of \$270,388 and collected \$282,002; the latter number represents costs that were assessed in 2021 and prior years. This amount was \$69,458 less than the \$351,460 collected in 2020.

The OBC filed two motions for temporary suspension in 2021 against attorneys who failed to satisfy cost obligations. Payments in full satisfaction of the costs, totaling \$2,729, were received from those attorneys. In 2021, fifty-three judgments were filed, totaling \$110,883. Payments totaling \$3,615 were received toward these judgments. Payments made toward judgments that were filed in prior years totaled \$97,151.

The OBC also processes and collects payments of monetary sanctions that the Board imposes on respondents, typically when the OAE files a motion for temporary suspension to enforce a fee arbitration award. The Board imposed four such sanctions in 2021, totaling \$2,000. One payment totaling \$500 was received to satisfy one of those sanctions.

CONCLUSION

During calendar year 2022, the Board will continue to manage its caseload both qualitatively and quantitatively. We will continue to invest considerable effort in both attracting and retaining staff talent. The Board will continue to be guided by the Court's Orders and Administrative Directives concerning court operations and in-person public hearings. The Board will continue to strive for the prompt and fair disposition of all matters before it in order to effectively serve the primary goals of the attorney disciplinary process – protection of the public and maintenance of public confidence in the bar.

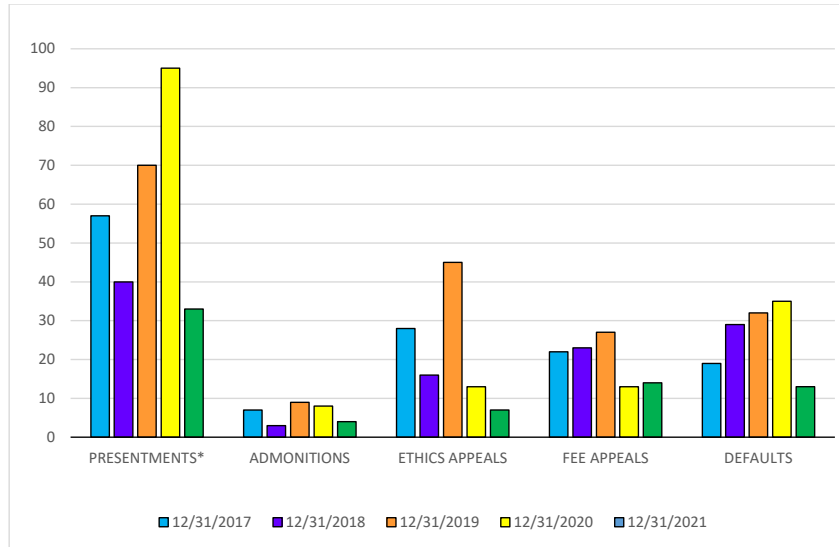
APPENDIX**FIGURE 1**

| DRB ANNUAL ACTIVITY REPORT | | | | | |
|---|----------------|-----------------|--------------|-----------------|----------------|
| January 1, 2021 to December 31, 2021 | | | | | |
| Case Type | Carried | Docketed | Total | Disposed | Pending |
| Admonition/Presentment | 7 | 8 | 15 | 11 | 4 |
| Admonition | 6 | 17 | 23 | 20 | 3 |
| Appeal/Presentment | 1 | 3 | 4 | 1 | 3 |
| Consent to Admonition | 2 | 1 | 3 | 2 | 1 |
| Consent to Discipline | 8 | 12 | 20 | 19 | 1 |
| Consent to Disbarment/Costs | 0 | 7 | 7 | 7 | 0 |
| Default | 35 | 36 | 71 | 58 | 13 |
| Ethics Appeal-Post Hearing | 0 | 6 | 6 | 6 | 0 |
| Ethics Appeal | 13 | 36 | 49 | 42 | 7 |
| Fee Appeal | 13 | 52 | 65 | 51 | 14 |
| Motion for Final Discipline | 17 | 15 | 32 | 23 | 9 |
| Motion for Medical Examination | 0 | 6 | 6 | 6 | 0 |
| Motion for Reciprocal Discipline | 19 | 9 | 28 | 24 | 4 |
| Motion for Temporary Suspension | 3 | 9 | 12 | 9 | 3 |
| Miscellaneous | 5 | 16 | 21 | 14 | 7 |
| Petition for Restoration | 3 | 5 | 8 | 6 | 2 |
| Presentment | 32 | 21 | 53 | 45 | 8 |
| R. 1:20-6(c)(1) | 4 | 4 | 8 | 7 | 1 |
| Stipulation | 7 | 9 | 16 | 13 | 3 |
| Totals | 175 | 272 | 447 | 364 | 83 |

FIGURE 2

| AGE OF PENDING DRB CASES – BY CASE TYPE as of December 31, 2021 | | | | |
|--|-------------|-------------|--------------|----------------------|
| Case Type | 2021 | 2020 | Prior | Total Pending |
| Admonition | 3 | 0 | 0 | 3 |
| Admonition/Presentment | 4 | 0 | 0 | 4 |
| Appeal/Presentment | 3 | 0 | 0 | 3 |
| Consent to Discipline | 2 | 0 | 0 | 2 |
| Default | 13 | 0 | 0 | 13 |
| Ethics Appeal | 7 | 0 | 0 | 7 |
| Fee Appeal | 12 | 0 | 0 | 12 |
| Motion for Final Discipline | 9 | 0 | 0 | 9 |
| Motion for Reciprocal Discipline | 4 | 0 | 0 | 4 |
| Motion for Temporary Suspension | 3 | 0 | 0 | 3 |
| Miscellaneous | 3 | 4 | 0 | 7 |
| Petition for Reinstatement | 2 | 0 | 0 | 2 |
| Presentment | 8 | 0 | 0 | 8 |
| <u>R. 1:20-6(c)(1)</u> | 1 | 0 | 0 | 1 |
| Stipulation | 3 | 0 | 0 | 3 |
| Totals | 79 | 4 | 0 | 83 |

FIGURE 3
COMPARATIVE DRB CASELOAD ANALYSIS
Pending from 12/31/2017 to 12/31/2021



* “Presentments” includes presentments, stipulations, motions for final discipline, motions for reciprocal discipline, consents to discipline, and R. 1:20-6(c)(1) matters.

FIGURE 4

| ANNUAL DISPOSITION RATE OF DRB CASES | | | | | |
|---|----------------|-----------------|--------------|-----------------|-------------------------|
| 2021 – 2017 | | | | | |
| YEAR | CARRIED | DOCKETED | TOTAL | DISPOSED | DISPOSITION RATE |
| 2017 | 155 | 456 | 611 | 473 | 77.4% |
| 2018 | 138 | 428 | 566 | 451 | 80% |
| 2019 | 116 | 472 | 588 | 396 | 67.3% |
| 2020 | 194 | 351 | 545 | 370 | 68% |
| 2021 | 175 | 272 | 447 | 364 | 81.4% |

FIGURE 5

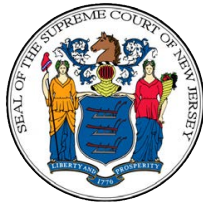
| AVERAGE RESOLUTION TIMES FOR DRB CASES | | | | | | |
|---|---------------------|--|------|------|------|------|
| (IN MONTHS) | | | | | | |
| | <u>R. 1:20-8(c)</u> | | 2018 | 2019 | 2020 | 2021 |
| Discipline: | | | | | | |
| Presentments | 6 | | 4.6 | 5.9 | 8.8 | 9 |
| MFD | 6 | | 5 | 7 | 7 | 9 |
| MRD | 6 | | 5.6 | 6.9 | 9.3 | 9 |
| Defaults | 6 | | 5.3 | 6.3 | 7.6 | 6.8 |
| Consents | 6 | | 3 | 3.2 | 3.5 | 4.9 |
| Stipulations | 6 | | 5.5 | 6 | 8.3 | 8.5 |
| <u>R. 1:20-6(c)(1)</u> | 6 | | 5.3 | 7 | 8.3 | 7 |
| Remands | 6 | | 2.7 | 2.8 | - | - |
| Admonitions: | | | | | | |
| Standard | 6 | | 2.9 | 3.2 | 4 | 4.7 |
| By Consent | 6 | | 3 | 2.9 | 3.7 | 4.6 |
| Appeals: | | | | | | |
| Ethics Appeals | 3 | | 3 | 3 | 5.3 | 3.4 |
| Fee Appeals | 3 | | 3.5 | 3.15 | 3.6 | 3.4 |
| Other: | | | | | | |
| MTS | - | | 1.7 | 1.4 | 1.9 | 1 |
| Petitions to Restore | - | | 1.3 | 1 | 1.3 | 2.6 |

FIGURE 6**2021 DISCIPLINE COMPARISONS
DRB & NEW JERSEY SUPREME COURT**

| SUPREME COURT DISCIPLINE GREATER THAN DRB DECISION | | |
|---|---|-----------------------------|
| ATTORNEY | DISCIPLINARY REVIEW BOARD DECISION | SUPREME COURT ACTION |
| Darryl M. Saunders | Censure | Three-Month Suspension |

| SUPREME COURT DISCIPLINE LESS THAN DRB DECISION | | |
|--|---|-----------------------------|
| ATTORNEY | DISCIPLINARY REVIEW BOARD DECISION | SUPREME COURT ACTION |
| Barry J. Beran (2 matters) | Disbar | Three-Year Suspension |
| Dominic V. Caruso | Disbar | Six-Month Suspension |
| Charles Canning Daley, Jr. | Six-Month Suspension | Censure |
| Amanda J. Iannuzzelli | Disbar | Three-Year Suspension |
| Karina Pia Lucid | Disbar | Censure |
| Dawn A. Segal | Disbar | Three-Year Suspension |
| Michael Collins Smith | Three-Month Suspension | Censure |
| Annmarie P. Smits | Three-Month Suspension | Censure |
| Jeannette Hoffman | Reprimand | No Discipline Imposed |

| SUPREME COURT RESOLUTION OF SPLIT DECISION | | |
|---|---|-----------------------------|
| ATTORNEY | DISCIPLINARY REVIEW BOARD DECISION | SUPREME COURT ACTION |
| Stephen C. Gilbert | Censure (3); Three-Month Suspension (3) | Three-Month Suspension |



STUART RABNER
CHIEF JUSTICE

HEATHER JOY BAKER
CLERK OF THE SUPREME COURT

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OF THE
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JULY 2022