

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

Annual Report

January 1, 2022 – December 31, 2022

Richard J. Hughes Justice Complex

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

It is my pleasure to present to the Supreme Court the 2022 Annual Report of the Disciplinary Review Board (the Board).

Reflecting on 2022, the Office of Board Counsel (the OBC) was far from immune to the employment challenges, turnover, and changes that have persisted in most organizations since the onset of the pandemic. In response, the OBC successfully leveraged its lessons learned in the past few years, enabling the Board to seamlessly resume its traditional monthly hearings with personal appearances for oral arguments and deliberations. Moreover, the Board maintained its ability to nimbly adjust and serve the needs of all concerned parties, through virtual components which allow complete access to the Board's proceedings.

In the midst of these growth opportunities, in 2022, the Board resolved 244 matters, transmitted to the Court 108 decisions in disciplinary cases, and docketed 232 new cases for adjudication. In addition, the OBC collected \$327,563.21 in disciplinary costs assessed against attorneys.

Unfortunately, in September 2022, the Board lost respected and beloved Member Anne C. Singer, Esq. Additional detail on Anne's service to both the Board and the Court is included in this report.

In closing, in 2023, the Board will continue to fairly and expeditiously resolve the matters before it, achieving the collective goals of the Court and the Disciplinary Oversight Committee. In turn, the OBC, with the support of the Board, will continue to strive to build an evolved structure in order to serve the changing needs of the public, our bar, and the Judiciary workforce.

Respectfully submitted,

[/s/ Timothy M. Ellis](#)

Timothy M. Ellis
Acting Chief Counsel

IN MEMORIAM

On September 26, 2022, respected and beloved Board Member Anne Singer, who served the Board with superlative wisdom and guidance for nine years, including as Vice-Chair, passed away. Anne's death was a great loss to the Board, the bar, and the public. The loss of Anne still ripples through the Board's operations but, most importantly, the empathy, compassion, and perspective she brought to bear continues to shape the Board's daily considerations and recommendations to the Court. Simply stated, Anne left an indelible mark on New Jersey's disciplinary jurisprudence, both during her tenure on the Board, and for the foreseeable future.

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THE HISTORY OF THE BOARD

The Disciplinary Review Board (the Board) serves as the intermediate appellate level of New Jersey's attorney regulatory and disciplinary system. 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 certain cases, the Supreme Court appoints special ethics masters to hear disciplinary matters.

The Board reviews all recommendations for discipline from the districts and from special ethics masters. The Board's decisions 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 both appeals from dismissals of ethics grievances and appeals from Fee Arbitration Committee rulings are final.

The Supreme Court created the Board in 1978 and the Office of Board Counsel (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 all New Jersey attorneys. In 2022, 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 were not charged a fee.

All Board members are volunteers; however, the OBC staff is professional. The 2022 budget for the disciplinary system, as approved by the Supreme Court, allocated \$2,512,436 to cover salaries and benefits for OBC employees and an additional \$231,875 to cover the Board's operating costs.

THE BOARD'S 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 ethics master issues a report recommending discipline greater than an admonition. At the conclusion of oral argument, the Board privately decides its recommended outcome for each case, voting for either dismissal of the complaint or for the imposition of one of several forms of discipline: admonition; reprimand; censure; a term of suspension; or a recommendation of disbarment. On occasion, the Board will remand a matter for further proceedings.

In addition to discipline, the Board may impose certain 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; periodic audits of trust account records; disgorgement of unearned fees; establishment or continuation of psychological/substance abuse treatment; the requirement that an attorney practice under the supervision of another attorney; and, occasionally, community service.

In matters where the Board recommends disbarment, the Supreme Court 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 trier of fact 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 may 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, the holding of oral argument, and the

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

completion of the Board's deliberations, the OBC files the Board's decision with the Supreme Court.

Pursuant to 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 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 further proceedings.

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, a decision is filed 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 way of formal decision filed 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 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 discipline to be imposed.

The Board also reviews direct appeals from grievants who claim that an ethics investigator improperly dismissed their grievance after an investigation, or improperly dismissed their complaint after a hearing, 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.

The Board reviews Petitions for Reinstatements, pursuant to R. 1:20-21, filed by attorneys who have been suspended from the practice of law by the Supreme Court. Typically, the Board considers these petitions without the need for 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, 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. The Board 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 BOARD'S MEMBERSHIP

The Board is composed of 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 of the Superior Court; the remaining five members are attorneys. In 2022, the Board was chaired by Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.), and Peter J. Boyer, Esq., served as Vice-Chair. Recently, the Supreme Court designated that the Chair and Vice-Chair continue to serve for terms lasting through March 31, 2024. Also, the Supreme Court reappointed Members Steven L. Menaker, Esq., and Eileen Rivera to three-year terms, from April 1, 2023 through March 31, 2026.

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

Maurice J. Gallipoli was appointed to the Board in 2012 to fill the unexpired term of Judge Reginald Stanton and then to a full term in his own right thereafter. He 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, Peter J. Boyer, Esq.

Peter J. Boyer 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 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, 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 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 L. 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 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 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.

Lisa J. Rodriguez, Esq.

Lisa Rodriguez is the New Jersey Managing Partner of Schnader Harrison Segal & Lewis LLP. She joined the Board in 2023. Her law firm practice concentrates on complex litigation in the areas of securities fraud, antitrust, intellectual property, and consumer litigation. Ms. Rodriguez is the Treasurer of the Board of Governors of the Bar Association of the Third Circuit and is a member of the Lawyers Advisory Committee of the U.S. District Court for the District of New Jersey. She is a past president of the Association of the Federal Bar of New Jersey and a past Chair of the New Jersey Lawyers' Fund for Client Protection. She is a graduate of the George Washington University Law School.

THE OFFICE OF BOARD COUNSEL

The Office of Board Counsel (the OBC) is responsible for all administrative aspects of the Board, including docketing; case processing; calendaring; distribution of all decisions; and records retention. Additionally, the OBC acts as a cost assessment and collection agency, invoicing disciplined attorneys for administrative and actual costs, collecting payments, and enforcing assessments by filing judgments and seeking temporary suspensions for non-payment. Moreover, the OBC functions as in-house counsel to the Board, providing legal research and advising on all matters adjudicated by the Board. During 2022, the OBC maintained its continuity of operations during the Judiciary's transition from mostly remote work to a hybrid schedule.

Since 1991, the OBC has furnished pre-hearing memoranda to the Board in serious disciplinary cases, motions for consent to discipline greater than an admonition, and matters (such as defaults) containing novel legal or factual issues. To provide greater assistance to the Board's case review function, this policy was modified. In mid-2003, the OBC began supplying the Board with memoranda on all matters scheduled for consideration, except motions for temporary suspension. These extremely detailed memoranda set out the facts

relevant to the issues raised; the applicable law; a pertinent analysis of both; and a recommendation regarding the appropriate quantum of discipline, if any, to be imposed.

In 2022, the OBC was allotted nine attorneys (Chief Counsel, First Assistant Board Counsel, Deputy Counsel, and six staff attorneys) and seven administrative support staff members. In October, the Supreme Court appointed our Chief Counsel as the Director of the OAE and, in turn, appointed our First Assistant Board Counsel as Acting Chief Counsel. In November of 2022, following decades of invaluable service to the Board and the Court, an administrative specialist 4, who acted as the paralegal for the OBC, retired.

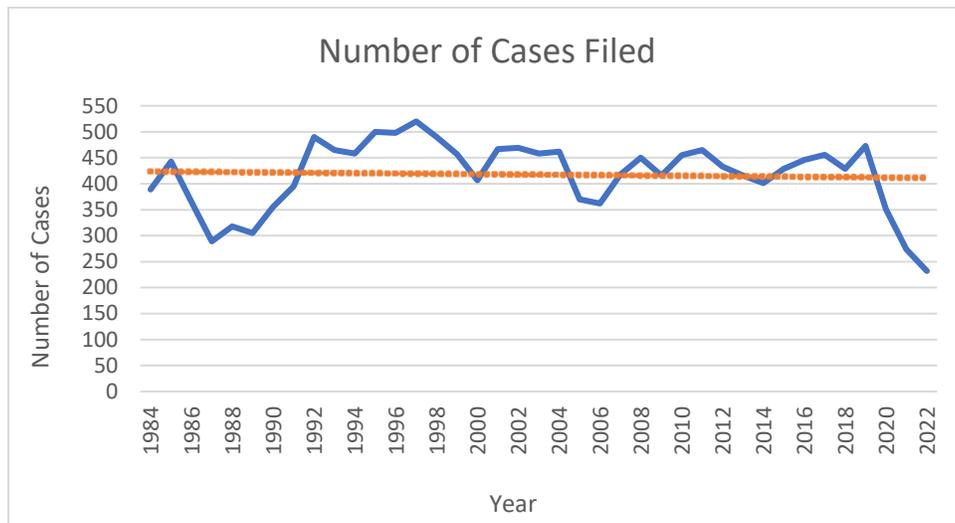
THE BOARD'S CASELOAD

The Board carried eighty-four matters into January 2022, ninety-one fewer than it carried into 2021. See Figure 1. By December 31, 2022, all matters continued from the previous year had been resolved.

Seventy-two matters were pending on December 31, 2022: twelve (16.7%) presentments; one (1.4%) stipulation; eleven (15.3%) defaults; two (2.8%) admonitions; four (5.6%) motions for discipline by consent; four (5.6%) motions for final discipline; five (6.9%) motions for reciprocal discipline; twenty-seven fee and ethics appeals (37.5%); one (1.4%) motion for reconsideration; two (2.8%) petitions for reinstatement; and three (4.2%) motions to suspend. See Figures 1 and 2. Figure 3 provides a graphic representation of the pending Board caseload at the close of 2022, compared to year-end pending caseloads for 2017 through 2021.

During calendar year 2022, the OBC docketed 232 matters for review by the Board, forty-two fewer than in 2021. This is the lowest number of docketed cases in forty years, a continued decrease of 15.33% from the record low in 2021, just last year, of 274 cases. The average number of docketed cases from years 1984 through 2020 was 426.

This downward trend is the result of the continued impact of the pandemic that greatly affected not only matters progressing through the system due to several omnibus orders, but also a staffing shortage in both the OAE and the OBC. The number of matters being docketed are expected to stabilize and increase in 2023.



In all, the Board resolved 244 of the 316 matters carried into or docketed during calendar year 2022, a disposition rate of 77%. This is higher than the five previous years' average of 74.82%. Figure 4 compares the Board's disposition rates from 2017 to 2022.

In 1995, the Court set specific timeframes for disposition of matters at all levels of the disciplinary system. At the Board 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 Figure 5. In 2022, the Board met its time goal in 98% of disciplinary cases and in 87% of appeals.

THE BOARD'S ACTIONS

Discipline

In 2022, the Board rendered dispositions in thirty presentments; ten stipulations; thirteen motions for reciprocal discipline; and sixteen motions for final discipline. The Board decided six motions by consent for the imposition of discipline greater than an admonition.

Of the thirty defaults resolved by the Board, three were administratively dismissed (one due to a filing of a consent to disability-inactive status and two due to the withdrawal of the certification of the record); one was remanded by

the Board for further investigation including a specific resolution regarding whether RPC 1.15 (a) was violated; and one as dismissed due the death of respondent.

The Board reviewed twelve admonition matters in 2021. Of these, six resulted in letters of admonition after review on the papers; three were treated as presentments; and two were dismissed. In addition, the Board granted one motion for imposition of admonition by consent, resulting in an Order of admonition by the Court.

The Board also reviewed and resolved nine motions for temporary suspension; twelve petitions for reinstatement; four R. 1:20-6(c)(1) matters; eight miscellaneous matters; one motion for reconsideration; one motion for a medical exam; one motion for disability inactive status; and seven subpoenas.

Appeals

The Board considered eighty-four total appeals in 2022 (ethics and fee combined), fifteen fewer than in 2021. Of the forty-four ethics appeals reviewed in 2022, the Board remanded eight cases (18.2%) to the district ethics committees for further action.

Of the forty fee appeals reviewed, the Board remanded nine cases (22.5%) to the district fee arbitration committees, lower than the 25.5% rate in 2021. The reasons for fee remand varied: six for palpable mistakes of law, two to correct the determinations, and one for a procedural error. In addition to these nine remands, the Board administratively dismissed one matter due to a Notice of Appeal not being timely filed.

THE SUPREME COURT'S ACTIONS

In 2022, of the 108 decisions the OBC transmitted to the Supreme Court, eighty-four decisions addressed presentments, stipulations, motions for final discipline, motions for reciprocal discipline, R. 1:20-6(c)(1) matters, and default matters. In addition to those decisions, five determinations on motions for discipline by consent, seven recommendations on motions for temporary suspension, eleven recommendations on petitions for reinstatement, and one motion for disability inactive matters were sent to the Supreme Court.

The Supreme Court decided 135 matters and agreed with the Board's determination in 83% of their final Orders. In two matters, the Supreme Court determined to impose greater discipline. In twenty-one matters, the Supreme Court determined to impose a lesser quantum of discipline. In one matter, the Supreme Court resolved a split decision. See Figure 6.

THE COLLECTION OF ADMINISTRATIVE COSTS

Pursuant to Court Rule, the Board uniformly assesses administrative costs in all disciplinary 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. Since 2004, the administrative cost has ranged 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. In 2022, the Supreme Court accepted consents to disbarment in two matters unrelated to Board cases. Nevertheless, OBC assessed and began the collection process for Court-ordered costs in those matters, pursuant to R. 1:20-17.

During calendar year 2022, the OBC assessed disciplined attorneys a total of \$377,569.86 and collected \$327,563.21; the latter number represented costs that were assessed in 2021 and prior years. This amount was \$45,560.99 more than the \$282,002.22 collected in 2021.

The OBC filed one motion for temporary suspension in 2022 against an attorney who failed to satisfy cost obligations. In 2022, fifty-five judgments were filed, totaling \$127,811.46. Payments totaling \$117,366.44 were received towards outstanding judgments in 2022.

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 two such sanctions in 2022, totaling \$1,000. One \$500 payment was received to satisfy one of those sanctions, another \$500 payment was made to satisfy an older sanction, totaling \$1,000 paid in 2022.

IN CONCLUSION

The OBC will continue to oversee and administer cases before the Board, guided by the Court's Orders, Administrative Directives, and precedent. Moreover, the OBC will pursue and implement staffing and procedural advancements to promote progress and efficiency in supporting the Board's commitment to the prompt and fair disposition of all matters before it. These anticipated projects, in combination with the unparalleled commitment of the Board, will ensure the continued protection of the public and the maintenance of the confidence in the bar.

APPENDIX

FIGURE 1

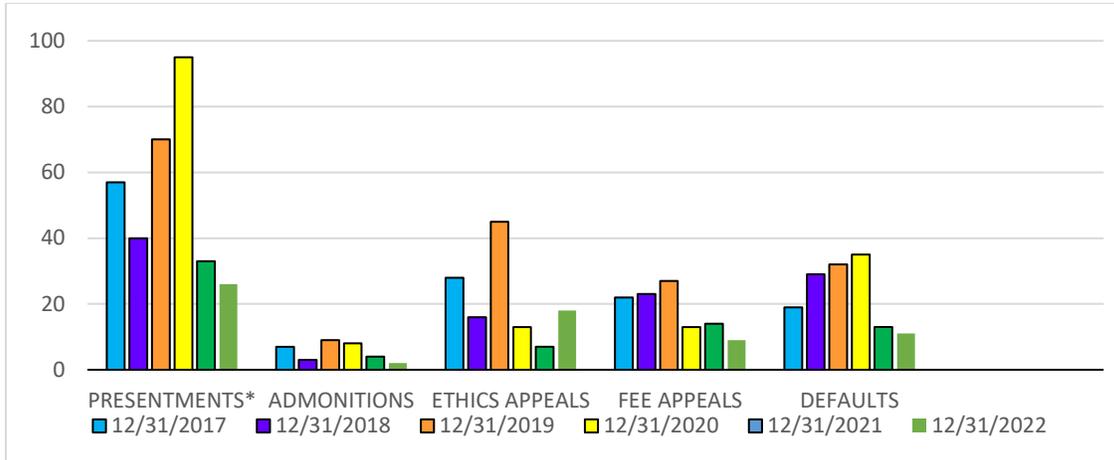
DRB ANNUAL ACTIVITY REPORT January 1, 2022 to December 31, 2022					
Case Type	Carried	Docketed	Total	Disposed	Pending
Admonition/Presentment	4	3	7	4	3
Admonition	3	9	12	10	2
Appeal/Presentment	3	0	3	3	0
Consent to Admonition	1	1	2	2	0
Consent to Discipline	1	7	8	4	4
Consent to Disbarment	0	2	2	2	0
Default	13	28	41	30	11
Ethics Appeal-Post Hearing	0	6	6	3	3
Ethics Appeal	9	47	56	41	15
Fee Appeal	14	35	49	40	9
Motion Disability Inactive	0	1	1	1	0
Motion for Final Discipline	9	11	20	16	4
Motion for Medical Examination	0	1	1	1	0
Motion for Reciprocal Discipline	4	14	18	13	5
Motion for Reconsideration	0	2	2	1	1
Motion for Temporary Suspension	3	9	12	9	3
Miscellaneous	7	1	8	8	0
Petition for Restoration	1	13	14	12	2
Presentment	8	24	32	23	9
<u>R. 1:20-6(c)(1)</u>	1	3	4	4	0
Stipulation	3	8	11	10	1
Subpoena	0	7	7	7	0
Totals	84	232	316	244	72

FIGURE 2

AGE OF PENDING DRB CASES – BY CASE TYPE as of December 31, 2022				
Case Type	2022	2021	Prior	Total Pending
Admonition	2	0	0	2
Admonition/Presentment	3	0	0	3
Appeal/Presentment	0	0	0	0
Consent to Discipline	4	0	0	4
Default	11	0	0	11
Ethics Appeal	18	0	0	18
Fee Appeal	9	0	0	9
Motion for Final Discipline	4	0	0	4
Motion for Reciprocal Discipline	5	0	0	5
Motion for Reconsideration	1	0	0	1
Motion for Temporary Suspension	3	0	0	3
Miscellaneous	0	0	0	0
Petition for Reinstatement	2	0	0	2
Presentment	9	0	0	9
R. 1:20-6(c)(1)	0	0	0	0
Stipulation	1	0	0	1
Totals	72	0	0	72

FIGURE 3

**COMPARATIVE DRB CASELOAD ANALYSIS
Pending from 12/31/2017 to 12/31/2022**



* “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					
2017 – 2022					
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%
2022	84	232	316	244	77.2%

FIGURE 5

AVERAGE RESOLUTION TIMES FOR DRB CASES (IN MONTHS)						
<u>R. 1:20-8(c)</u>		2018	2019	2020	2021	2022
Discipline:						
Presentments	6	4.6	5.9	8.8	9	5.66
MFD	6	5	7	7	9	5
MRD	6	5.6	6.9	9.3	9	4.1
Defaults	6	5.3	6.3	7.6	6.8	4.2
Consents	6	3	3.2	3.5	4.9	4.2
Stipulations	6	5.5	6	8.3	8.5	5.1
<u>R. 1:20-6(c)(1)</u>	6	5.3	7	8.3	7	3.4
Remands	6	2.7	2.8	-	-	-
Admonitions:						
Standard	6	2.9	3.2	4	4.7	2.8
By Consent	6	3	2.9	3.7	4.6	3.4
Appeals:						
Ethics Appeals	3	3	3	5.3	3.4	3.3
Fee Appeals	3	3.5	3.15	3.6	3.4	2.95
Other:						
MTS	-	1.7	1.4	1.9	1	1.5
Petitions to Restore	-	1.3	1	1.3	2.6	1.3

FIGURE 6

**2022 DISCIPLINE COMPARISONS
DISCIPLINARY REVIEW BOARD & NEW JERSEY SUPREME COURT**

SUPREME COURT DISCIPLINE GREATER THAN DRB DECISION		
ATTORNEY	DISCIPLINARY REVIEW BOARD DECISION	SUPREME COURT ACTION
Madeline Marzano-Lesnevich	Censure	Three-Month Suspension
Donald Brown	Reprimand	One-Month Suspension
SUPREME COURT DISCIPLINE LESS THAN DRB DECISION		
ATTORNEY	DISCIPLINARY REVIEW BOARD DECISION	SUPREME COURT ACTION
Mark Jaffe	Six-Month Suspension	Three-Month Suspension
Bruce Pitman	Censure	Dismissal
Frederick Kalma	Three-Month Suspension	Censure
John Charles Allen	One-Year Suspension	Three-Month Suspension
John Charles Allen	Disbar	Indeterminate Suspension
Michael Shapiro (2 Matters)	Disbar	Dismissed (Consented to Disbarment)
Joel Ziegler	Censure	Reprimand
Darryl Saunders	Censure	Reprimand
Robert Stack	Censure	Reprimand
Marc Spielberg	Censure	Reprimand
Michele Austin	One-Year Suspension	Six-Month Suspension
Thomas Ludwig	Three-Month Suspension	Censure
Michele Austin	Censure	Reprimand
Robert Rimberg	Three-Year Suspension	Two-Year Suspension
David Bernstein	Disbar	Two-Year Suspension
Edward Heyburn	Disbar	Three-Year Suspension
Lawrence Berger	Censure	Admonition
Nancy Martellio	Six-Month Suspension	Three-Month Suspension
Stanley Marcus	Three-Month Suspension	Censure
Berry Beran	Disbar	Indeterminate Suspension
Ihab Ibrahim	Two-Year Suspension	One-Year Suspension
SUPREME COURT RESOLUTION OF SPLIT DECISION		
ATTORNEY	DISCIPLINARY REVIEW BOARD DECISION	SUPREME COURT ACTION
Richard J. Pepsny	Disbar (4); Three-Month Suspension (4); One-Year Suspension (1)	Three-Month Suspension



STUART RABNER
CHIEF JUSTICE

HEATHER JOY BAKER
CLERK OF THE SUPREME COURT

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OF THE
SUPREME COURT OF NEW JERSEY**

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AUGUST 2023