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OF THE

SUPREME COURT OF NEW JERSEY

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October 23, 2013

Mark Neary, Clerk
Supreme Court of New Jersey
P.O. Box 970
Trenton, New Jersey 08625-0962

Re: **In the Matter of Paul Urbania**
Docket No. DRB 13-184
District Docket No. XIV-2012-0413E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (censure or such lesser discipline as the Board may determine is warranted) filed by the Office of Attorney Ethics (OAE) pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion. In the Board's view, a censure is the appropriate discipline for respondent's violations of RPC 1.15(a), and RPC 1.15(d) and R. 1:21-6 (recordkeeping violations).

Specifically, respondent deposited and issued personal funds into and out of his trust account on multiple occasions, a violation of RPC 1.15(a). His purpose was to avoid an IRS levy on his business account. Further, respondent committed several various recordkeeping violations, such as failing to complete monthly three-way reconciliations of his attorney trust account and failure to maintain receipts and disbursements journals for his trust and business accounts, among others, a violation of RPC 1.15(d).

As in this case, the attorney in In re Weber, 205 N.J. 467 (2011), intentionally comingled client funds, business funds, and personal funds for circumventing an IRS levy. Weber also committed recordkeeping improprieties. Weber received a censure, due to the absence of any disciplinary history. See also In re Al-Misri, 197 N.J. 503 (2009) (censure for attorney who intentionally placed personal funds into his trust account to prevent a creditor from seizing the monies; he also committed recordkeeping violations, grossly neglected a client's real estate matter, and practiced while ineligible as a result of his failure to pay the 2003 annual attorney assessment to the New Jersey Lawyers' Fund for Client; aggravating factors included two prior admonitions and several ignored warnings from the OAE about using his trust account for his personal obligations; mitigating factors included that the attorney admitted his misconduct and caused no harm to his clients; also, the attorney had been sober for twenty years and had devoted many years to helping other drug-and-alcohol-dependent individuals through Alcoholics Anonymous, Narcotics Anonymous, and the Lawyers Assistance Program). But see In re Olitsky, 149 N.J. 27 (1997) (three-month suspension for attorney who intentionally comingled client funds, business funds, and personal funds to circumvent an IRS levy; the attorney also committed recordkeeping violations and failed to safeguard client funds; prior private reprimand and admonition; in a subsequent case, In the Matter of Ousmane Dhu'L-Nun Al-Misri, DRB 08-194 (December 23, 2008) (slip Op. at 17), the Board noted that the three-month suspension in Olitsky was imposed before censure became a recognized form of discipline).

In this instance, respondent has a disciplinary history (a reprimand) for trust account improprieties. Unlike Weber (no prior discipline) and Al-Misri (extensive service to others who suffered from addiction), respondent has advanced nothing in mitigation of his conduct. Nonetheless, a censure is still the appropriate sanction for respondent's violations of RPC 1.15(a) and RPC 1.15(d) because he readily admitted his wrongdoing by entering into a disciplinary stipulation with the OAE.

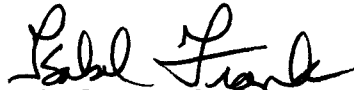
In addition to imposing a censure, the Board determined to require respondent to provide monthly reconciliations to the OAE on a quarterly basis for a two-year period.

Enclosed are the following documents:

Mark Neary
October 22, 2013
I/M/O Paul Urbania, DRB 13-184
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1. Notice of motion for discipline by consent, dated, May 28, 2013.
2. Stipulation of discipline by consent, dated May 24, 2013.
3. Affidavit of consent, dated May 22, 2013.
4. Ethics history, dated October 22, 2013.

Very truly yours,



Isabel Frank
Acting Chief Counsel

Enclosures

IF/lg

c: Bonnie C. Frost, Chair (via e-mail)
Disciplinary Review Board (w/o enclosures)
Charles Centinaro, Director
Office of Attorney Ethics (w/o enclosures)
Michael J. Sweeney, First Assistant Ethics Counsel
Office of Attorney Ethics (w/o enclosures)
Paul Urbania (w/o enclosures)