

# DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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September 22, 2014

Mark Neary, Clerk  
Supreme Court of New Jersey  
Richard J. Hughes Justice Complex  
P. O. Box 970  
Trenton, New Jersey 08625

Re: In the Matter of Joseph Jerome Fell  
Docket No. DRB 14-183  
District Docket No. XB-2013-0008E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent ("a sanction ranging from admonition to a reprimand"), filed by the District XB Ethics Committee (DEC), pursuant to R. 1:20-10(b)(1). Following a review of the record, the Board determined to grant the motion and to impose a reprimand for respondent's stipulated violation of RPC 5.5(a)(1) (practicing law while ineligible).

Specifically, from September 26, 2011 to February 15, 2012, respondent was on the Supreme Court's list of ineligible attorneys due to nonpayment of the annual attorney assessment to the New Jersey Lawyers' Fund for Client Protection. During that period of ineligibility, he represented grievant Peter Pescatore in a matrimonial action. At the time, respondent knew that he was ineligible to practice law.

The parties stipulated that an aggravating factor is respondent's disciplinary history, consisting of a 2011 admonition

September 22, 2014

Page 2 of 3

for the improper release of escrow funds and a 2012 reprimand for entering into an improper business transaction with a client. They agreed that, in mitigation, respondent readily admitted his wrongdoing, cooperated with the DEC, and provided service to the community.

Because respondent practiced law, knowing that he was ineligible to do so, the Board determined that a reprimand is in order. See, e.g., In re Moskowitz, 215 N.J. 636 (2013) (reprimand imposed on attorney who practiced law knowing that he was ineligible to do so); In re Jay, 210 N.J. 214 (2012) (attorney, who was aware of ineligibility and practiced law anyway, received a reprimand; prior three-month suspension for possession of cocaine and marijuana); and In the Matter of Queen E. Payton, DRB 10-441 (June 14, 2011) (reprimand imposed on attorney who knew of her ineligibility and who had been admonished for the same infraction in 2005). The Board also found that the aggravating and mitigating factors were in equipoise and, therefore, the discipline was neither enhanced nor reduced, based on either set of factors.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated May 1, 2014;
2. Stipulation of discipline by consent, dated May 8, 2014;
3. Affidavit of consent, dated April 18, 2014;
4. Ethics history, dated September 22, 2014.

Very truly yours,



Ellen A. Brodsky  
Chief Counsel

EAB/lg

Enclosures

c: See attached list

I/M/O Joseph Jerome Fell, DRB 14-183

September 22, 2014

Page 3 of 3

Bonnie C. Frost, Chair (via email; w/o encls.)

Disciplinary Review Board

Charles Centinaro, Director (w/o encls.)

Office of Attorney Ethics

Moirra E. Colquhoun, Chair (w/o encls.)

District XB Ethics Committee

Caroline Record, Secretary (w/o encls.)

District XB Ethics Committee

Joseph Jerome Fell, Esq. (w/o encls.)