

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

BONNIE C. FROST, ESQ., CHAIR
EDNA Y. BAUGH, ESQ., VICE-CHAIR
PETER J. BOYER, ESQ.
BRUCE W. CLARK, ESQ.
HON. MAURICE J. GALLIPOLI
THOMAS J. HOBERMAN
EILEEN RIVERA
ANNE C. SINGER, ESQ.
ROBERT C. ZMIRICH



RICHARD J. HUGHES JUSTICE COMPLEX
P.O. BOX 962
TRENTON, NEW JERSEY 08625-0962
(609) 292-1011

ELLEN A. BRODSKY
CHIEF COUNSEL

PAULA T. GRANUZZO
DEPUTY CHIEF COUNSEL

MELISSA URBAN
FIRST ASSISTANT COUNSEL

TIMOTHY M. ELLIS

LILLIAN LEWIN

BARRY R. PETERSEN, JR.

COLIN T. TAMS

KATHRYN ANNE WINTERLE
ASSISTANT COUNSEL

February 22, 2017

Corrected February 23, 2017¹

Stephen James Buividas, Esq.
c/o Petar Kuridza, Esq.
MORGAN MELHUIH ABRUTYN
651 W. Mt. Pleasant Ave., Suite 200
Livingston, NJ 07039

Re: In the Matter of Stephen James Buividas
Docket No. DRB 16-409
District Docket No. IV-2015-0018E
LETTER OF ADMONITION (Amended Distribution)

Dear Mr. Buividas:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper.² Following a review of the record, the Board determined to impose an admonition.

Specifically, on May 1, 2013, Morningcloud Jones retained you to represent her in respect of an eye infection that she allegedly had contracted at a nail salon. On an unidentified date, you entered into a "cash advance agreement" with Jones, which secured, against any proceeds received from the nail salon, a loan to Jones

¹This letter is corrected to reflect an amended distribution list.

²Chair Frost and Member Boyer were recused.

from Global Financial Credit, LLC (Global). Under the terms of the agreement, you were not to release from your trust account any settlement monies until after Global's loan to Jones had been satisfied.

On an unidentified date, Jones's claim against the nail salon was settled for \$3,500. The "settlement statement," executed by you and Jones, identified \$770 as the amount due to Global. Nevertheless, on May 15, 2014, you disbursed an unspecified amount of money to Jones, presumably representing her share of the settlement proceeds, and an unspecified amount of money to yourself, in payment of counsel fees. You did not release any funds to Global, at that time, claiming that Jones had refused to consent to the payment of the loan in full.

Between May 21, 2014 and March 25, 2015, you attempted to persuade Jones to authorize the release of the \$770 to Global, to no avail. Finally, on September 11, 2015 – more than a year-and-a-half after the disbursements to Jones and to yourself, and several months after the DEC had docketed Global's grievance – you filed an order to show cause seeking to deposit the disputed funds into court and for a determination in respect of their distribution. Your delay in seeking the court's intervention violated RPC 1.15(b), warranting the imposition of an admonition.

In imposing only an admonition, the Board considered aggravating and mitigating factors. In aggravation, by disbursing funds first to your client and to yourself, you breached the agreement requiring you to satisfy Global's loan prior to the disbursement of any portion of the funds to others. In addition, you delayed in filing an order to show cause for more than one-and-a-half years.

In mitigation, this is your first ethics infraction since your admission to the bar in 1997; you believed that your client had objected to payment of the loan in full; you attempted, on several occasions, to communicate with your client about the issue; Global's loan ultimately was satisfied; you cooperated fully with the DEC's investigation and took responsibility for your actions, as evidenced by your consent to discipline; and you enjoy a good reputation in the community.

Your conduct has adversely reflected not only upon you as an attorney but also upon all members of the bar. Accordingly, the

February 22, 2017

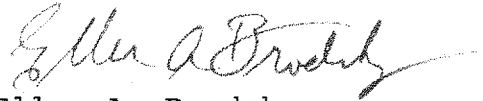
Page 3 of 3

Board has directed the issuance of this admonition to you. R.
1:20-15(f)(4).

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into consideration.

The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded under separate cover.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/sl

c: Chief Justice Stuart Rabner
Associates Justices
Edna Y. Baugh, Vice-Chair
Disciplinary Review Board
Mark Neary, Clerk
Supreme Court of New Jersey
Gail G. Haney, Deputy Clerk
Supreme Court of New Jersey (w/ethics history)
Charles Centinaro, Director
Office of Attorney Ethics
Isabel McGinty, Statewide Ethics Coordinator
Office of Attorney Ethics
Christopher L. Soriano, Chair
District IV Ethics Committee
John M. Palm, Secretary
District IV Ethics Committee
Joseph J. Fabian, Investigator
District IV Ethics Committee
Mr. Tony Edward, Grievant