Supreme Court of New Jersey
Disciplinary Review Board
Docket Nos. DRB 19-309 and 19-349
District Docket Nos. XIV-2018-0261E
and XIV-2018-0262E

In the Matters of Robert V. Stiles and R. Alexander Stiles Attorneys at Law	Decision

Argued: January 16, 2020

Decided: March 27, 2020

Eugene A. Racz appeared on behalf of the Office of Attorney Ethics.

Gary W. Moylen appeared on behalf of respondents.

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

These matters were before us on two disciplinary stipulations, one between the Office of Attorney Ethics (OAE) and Robert V. Stiles (Robert), and one between the OAE and R. Alexander Stiles (Alexander). Both respondents

admitted having violated RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation).

For the reasons set forth below, we determine to impose reprimands on both respondents.

Robert earned admission to the New Jersey bar in 1973. He has no history of discipline. On September 11, 2017, he retired from the practice of law.

Alexander earned admission to the New Jersey bar in 2006. He has no history of discipline. On March 27, 2017, he also retired from the practice of law.

During the relevant period, Robert and Alexander operated the law firm of Stiles & Stiles, Esqs., a law firm in Warren County, New Jersey.

The disciplinary stipulations set forth the following facts in support of respondents' admitted ethics violations. In 2010, Helen Susie Lane executed a will dividing her estate equally between her son, Declan Redmond Lane, and her daughter, Marla L. Roller. Helen became estranged from Marla and, in 2015, sought to amend her will to disinherit Marla and leave her entire estate to Declan.

On March 15, 2015, Declan called respondents' office, seeking an attorney willing to visit Helen at her home, because she was frail and suffering from end-stage cancer. The only other employee of respondents' law firm was

Marianne Galazin, who had served as the firm's paralegal for more than twenty years. By telephone, Helen told Galazin that she wanted a power-of-attorney appointing Declan to manage her legal affairs. Because Galazin was satisfied that Helen was competent, she prepared the document for Alexander's review.

On the same day, Alexander went to Helen's home to obtain her signature on both the power-of-attorney and an advanced medical directive. After Helen signed both documents, Alexander executed the jurats on them. He also spoke to Helen about proposed changes to her 2010 will, returned to his office, and began revising Helen's will.

Robert and Galazin signed the amended will, as witnesses to Helen's signature, before Helen signed the document. Robert acknowledged that, when he signed the amended will in his office, he committed a misrepresentation, because the will stated that it was "duly initialed by [Helen]" in his and Galazin's presence. Robert further admitted that, by signing the jurat, he made a false statement, because the amended will stated that each witness "signed the Will in the presence and hearing" of Helen.

On March 26, 2015, Alexander returned to Helen's home with the amended will, which Helen and Alexander then signed. However, the jurat for the amended will improperly reflected that Robert and Galazin were present and

witnessed Helen's execution of the amended will, when they did not do so. The following day, Helen died.

On June 26, 2015, Marla's attorney, Anthony J. Sposaro, Esq., filed a probate caveat, an order to show cause, and a request for a temporary restraining order against Helen's estate, seeking to set aside the March 2015 will and to reinstate the 2010 will, because Robert and Galazin had not actually witnessed Helen's execution of the amended will. On July 10, 2015, Declan filed with the Morris County Surrogate a petition to probate the 2015 will, which was denied, based on the previously-filed caveat.

On February 16, 2016, Sposaro filed a verified complaint in behalf of Marla, alleging that the 2015 will had been improperly executed. On February 28, 2016, after extensive discovery and mediation, the parties settled the case. Marla was forced to spend time, effort, and financial resources to rectify the harm that would have been caused to her if the improperly amended will had been accepted as valid.

By letter dated May 20, 2016, Sposaro reported to the OAE his concerns about the circumstances underlying the respondents' execution of the amended will. On June 20, 2018, following the filing of grievances, Alexander and Robert provided the OAE written submissions admitting that they had falsely executed the jurat on Helen's amended will. At a November 28, 2018 OAE interview,

Alexander, with his counsel present, again admitted that he improperly had executed the jurat of the amended will. On the same day, the OAE interviewed Robert, with his counsel present, and he also admitted that the jurat had been improperly executed. Moreover, Robert stated that, if faced with the same situation again – a client near death and no other way of properly executing the jurat – he would execute the will the same way, "[b]ecause then her wishes would have been met rather than the chance of it not getting signed and her estate going in a direction that she did not want it to go."

In respect of Robert's misconduct, the OAE recommended imposition of a reprimand or other such discipline as we deemed appropriate. In aggravation, the OAE cited the resulting prejudice to Marla, the added legal expenses that she incurred in contesting the falsely executed will, and Robert's failure to exhibit contrition or remorse for his actions. In mitigation, the OAE cited the fact that Robert has no disciplinary history; the underlying facts of the case presented an exigent circumstance; his conduct was committed not for personal gain, but rather out of concern of the dire medical condition of Helen, who passed away shortly after her will was executed; his misconduct was an isolated incident; and he admitted the material facts of his wrongdoing.

For Alexander's misconduct, the OAE also recommended a reprimand or other such discipline as we deemed appropriate. In aggravation, the OAE

emphasized the resulting prejudice to Marla and her added legal expenses incurred in contesting the falsely executed will. In mitigation, the OAE cited Alexander's ready admission of wrongdoing; his lack of disciplinary history; the exigent circumstances underlying the facts of the case; and the motive for respondent's conduct, which was not personal gain, but rather concern over Helen's dire medical condition.

Following a review of the record, we are satisfied that the facts contained in the stipulations clearly and convincingly support the finding that both respondents violated RPC 8.4(c). Specifically, the Court has long held that the requirements for the execution of jurats and the taking of acknowledgements must be met in all respects. See In re Surgent, 79 N.J. 529, 532 (1979). Both respondents stipulated that they fraudulently executed the jurat for Helen's 2015 amended will. Attorneys who have taken improper jurats, or signed the names of others, even with authorization, are guilty of misrepresentation, in violation of RPC 8.4(c). See In re Hock, 172 N.J. 349 (2002).

In sum, we find that both respondents violated RPC 8.4(c). The sole issue left for us to determine is the appropriate quantum of discipline for their respective misconduct.

Ordinarily, the sanction for the improper execution of jurats is either an admonition or a reprimand. When the attorney witnesses and notarizes a

document that has not been signed in the attorney's presence, but the document is signed by the proper party or the attorney reasonably believes it has been signed by the proper party, the discipline is usually an admonition. See, e.g., In the Matter of Nicholas V. DePalma, DRB 12-004 (February 17, 2012) (as a favor to another lawyer, the attorney signed a deed as the preparer, although the other lawyer had prepared it; he also affixed his jurat to the deed and affidavit of title outside the presence of the sellers and in the absence of their signatures; the sellers later signed the affidavit of title; violation of RPC 8.4(c); we took into consideration that the attorney had expressed remorse for his misconduct; that his actions were not born of venality but were, rather, a favor for a friend; that he had neither obtained personal gain nor received a fee; that no harm resulted to the sellers; that, at the time of the misconduct, he had been practicing law for twenty-four years, without incident; and that, since his misconduct, another thirteen years had passed before his retirement for medical reasons); In the Matter of Gregory J. Spadea, DRB No. 10-151 (June 30, 2010) (attorney affixed his jurat to several living will documents that had been signed outside of his presence); and In the Matter of William J. Begley, DRB 09-279 (December 1, 2009) (as a favor to an acquaintance, attorney witnessed and notarized a real estate deed and affidavit of seller's consideration that already had been signed, trusting the acquaintance's story that the signatures were those of his parents,

who were too infirm to attend the closing; the son actually was perpetrating a fraud on his sickly parents at the time; the attorney, who received no fee, had no prior discipline in thirty-five years at the bar).

If there are aggravating factors, such as the attorney has a disciplinary history, committed other misconduct, or involved another party in the misconduct, then the appropriate discipline is generally a reprimand. See, e.g., In re Bedell, 204 N.J. 596 (2011) (attorney signed clients' names on individual releases and then affixed jurats to them in an attempt to legitimize the documents; attorney also failed to communicate with the clients); In re Russell, 201 N.J. 410 (2010) (attorney notarized a signature on a mortgage that she did not witness; previous admonition); In re LaRussa, Jr., 188 N.J. 253 (2006) (attorney improperly directed a wife to sign a husband's name to a release in a personal injury action and then affixed his jurat to the document); and In re Uchendu, 177 N.J. 509 (2003) (attorney signed clients' names on documents filed with the Probate Division of the District of Columbia Superior Court and notarized some of his own signatures on these documents).

We conclude that Robert and Alexander are deserving of reprimands, due to the presence of multiple aggravating factors. First, Helen was clearly harmed, in that her desired amendments to her will were not enforceable, because Robert and Alexander failed to properly execute the jurat. Second, Marla suffered harm,

because she was forced to expend time and money to expose the lack of authenticity of the disputed will. Robert's case features an additional aggravating factor – his utter lack of remorse or contrition.

In mitigation, Robert has no disciplinary history; the underlying facts of the case presented an exigent circumstance; and his conduct was committed, not for personal gain, but rather out of concern for the dire medical condition of Helen, who passed away shortly after her will was executed. Moreover, Robert is no longer practicing law.

Alexander made a ready admission of wrongdoing; he has no disciplinary history; the underlying facts of the case presented an exigent circumstance; and his motive was not personal gain. In further mitigation, Alexander, too, is no longer practicing law.

We, thus, determine that the appropriate quantum of discipline for both Robert and Alexander is a reprimand.

Vice-Chair Gallipoli and Member Zmirich voted to impose a censure on Robert. Member Singer voted to impose an admonition on Alexander. Member Boyer did not participate.

We further determine to require respondents to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
Bruce W. Clark, Chair

By: _____
Ellen A. Brodsky
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Robert V. Stiles
Docket No. DRB 19-309

Argued: January 16, 2020

Decided: March 27, 2020

Disposition: Reprimand

Members	Reprimand	Censure	Recused	Did Not Participate
Clark	X			
Gallipoli		X		
Boyer				X
Hoberman	X			
Joseph	X			
Petrou	X			
Rivera	X			
Singer	X			
Zmirich		X		
Total:	6	2	0	1

Ellen A. Brodsky
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of R. Alexander Stiles
Docket No. DRB 19-349

Argued: January 16, 2020

Decided: March 27, 2020

Disposition: Reprimand

Members	Reprimand	Admonition	Recused	Did Not Participate
Clark	X			
Gallipoli	X			
Boyer				X
Hoberman	X			
Joseph	X			
Petrou	X			
Rivera	X			
Singer		X		
Zmirich	X			
Total:	7	1	0	1

Ellen A. Brodsky
Chief Counsel