

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

LOUIS PASHMAN, ESQ. CHAIR
BONNIE C. FROST, ESQ. VICE-CHAIR
EDNA Y. BAUGH, ESQ.
BRUCE W. CLARK, ESQ.
JEANNE DOREMUS
HON. REGINALD STANTON
SPENCER V. WISSINGER, III
MORRIS YAMNER, ESQ.
ROBERT C. ZMIRICH



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

JULIANNE K. DECORE
CHIEF COUNSEL
ISABEL FRANK
DEPUTY CHIEF COUNSEL
ELLEN A. BRODSKY
FIRST ASSISTANT COUNSEL
LILLIAN LEWIN
DONA S. SEROTA -TESCHNER
COLIN T. TAMS
KATHRYN ANNE WINTERLE
ASSISTANT COUNSEL

June 17, 2010

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

Re: In the Matter of Alison Ellen Kosberg
Docket No. DRB 10-095
District Docket No. XIV-2009-0639E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand) 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 reprimand is the appropriate discipline for respondent's stipulated violations of RPC 1.15(a) and (d) and R. 1:21-6. The Board also required respondent to complete a continuing legal education course in attorney trust accounting.

Specifically, an OAE audit of respondent's attorney accounts turned up numerous record deficiencies. In addition, respondent's failure to reconcile her trust account enabled her bookkeeper to steal over \$66,000 of client trust funds and resulted in repeated negligent misappropriations of client trust funds. Respondent's conduct violated RPC 1.15(a) and (d) and R. 1:21-6.

Attorneys found guilty of negligent misappropriation, commonly alongside recordkeeping deficiencies, will ordinarily receive a reprimand. See, e.g., In re Seradzky, 200 N.J. 230

In the Matter of Alison Ellen Kosberg

Docket No. DRB 10-095

Page 2

(2009) (due to poor recordkeeping practices, attorney negligently misappropriated \$50,000 of other clients' funds by twice paying settlement charges in the same real estate matter; prior private reprimand) and In re Weinberg, 198 N.J. 380 (2009) (motion for discipline by consent granted; attorney negligently misappropriated client funds as a result of an unrecorded wire transfer out of his trust account; because the attorney did not regularly reconcile his trust account records, his mistake went undetected until an overdraft occurred; the attorney had no prior final discipline).

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated March 10, 2010.
2. Stipulation of discipline by consent, dated March 11, 2010.
3. Affidavit of consent, dated March 4, 2010.
4. Ethics history, dated June 17, 2010.

Very truly yours,



Julianne K. DeCore
Chief Counsel

JKD/sj
encls.

cc: Louis Pashman, Chair, Disciplinary Review Board
(w/o encls.)
Charles Centinaro, Director, Office of Attorney Ethics
(w/o encls.)
Michael J. Sweeney, Deputy Ethics Counsel,
Office of Attorney Ethics (w/o encls.)
Alison Ellen Kosberg, Respondent (w/o encls.)