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OF THE

SUPREME COURT OF NEW JERSEY

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February 24, 2012

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

Re: In the Matter of Stuart W. Jay
Docket No. DRB 11-424
District Docket No. XIV-2011-0602E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand) filed by the Office of Attorney Ethics, 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 measure of discipline for respondent's knowing violation of RPC 5.5(a)(1) (practicing while ineligible).

Specifically, from September 2008 to April 15, 2009, 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 (CPF). Respondent was unaware of his ineligibility. As soon as he learned of the ineligibility, he paid the fee.

From September 27, 2010 to May 17, 2011, however, respondent, who was again ineligible because he could not pay the CPF fee and who knew of his ineligibility, continued to practice law.

Attorneys who are aware of their ineligibility and continue to practice law typically receive a reprimand. See, e.g., In re Kaniper, 192 N.J. 40 (2007) (reprimand imposed on attorney who twice appeared on the Supreme Court's list of ineligible attorneys due to nonpayment of the annual attorney assessment to the CPF but knowingly practiced law during those periods of ineligibility; the attorney's excuses that she had not received the CPF's letters about her ineligibility were deemed improbable and viewed as an aggravating factor) and In re Perrella, 179 N.J. 499 (2004) (attorney advised his client that he was on the inactive list and then practiced law; the attorney filed pleadings, engaged in discovery, appeared in court, and used letterhead indicating that he was a member in good standing of the Pennsylvania bar). In this case, respondent was aware of the second period of ineligibility but chose to continue practicing law. Thus, a reprimand is the appropriate measure of discipline.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated November 17, 2011.
2. Stipulation of discipline by consent, dated November 16, 2011.
3. Affidavit of consent, dated November 10, 2011.

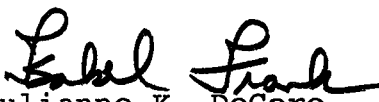
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4. Ethics history, dated February 24, 2012.

Very truly yours,

By 
Julianne K. DeCore
Chief Counsel

JKD/paa
encls.

cc: Louis Pashman, Chair, Disciplinary Review Board
(w/o encls.)
Charles Centinaro, Director, Office of Attorney Ethics
(w/o encls.)
Janice L. Richter, Deputy Ethics Counsel, Office of
Attorney Ethics (w/o encls.)
Stuart W. Jay, Respondent
(w/o encls.)