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May 22, 2014

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

Re: In the Matter of Howard P. Schiff
Docket No. DRB 14-034
District Docket No. IX-2013-0013E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand or lesser discipline) filed by the District IX Ethics Committee (DEC), 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 violations of RPC 3.3(a), RPC 5.3(c)(1), RPC 8.4(a), and RPC 8.4(c).

Specifically, between 2009 and 2010, during the course of respondent's representation of Hong Kong Shanghai Banking Corporation in collecting unsecured consumer debts, respondent filed inaccurate certifications of proof in connection with default judgments. At the time that the collection complaints were prepared, at respondent's direction, his firm's staff prepared signed, but undated, certifications of proof in anticipation of defaults. Thereafter, when staff applied for the default judgment, they, at respondent's direction would complete the certification,

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add factual information, and stamp the date, after the certification had been signed.

Respondent made certain that all credits and debits reflected in the certification were accurate. Nevertheless, the signatory did not certify to the changes after signing, a practice of which respondent was aware and directed. Respondent conceded that his conduct violated RPC 3.3(a), RPC 5.3(c)(1), RPC 8.4(a), and RPC 8.4(c).

An attorney who engaged in similar misconduct was reprimanded. In re Diaz, 209 N.J. 89 (2012). From at least 2000 to October 2005, the law firm of Shapiro & Diaz engaged in the practice of using pre-signed certifications in support of ex parte applications or motions for relief in bankruptcy court. Diaz was the managing attorney of the branch of Shapiro & Diaz in question. The pre-signed certifications were on file with Shapiro & Diaz, in advance of the preparation of the substance of the document to which the certification was appended. The signatories on the certifications were not, in many instances, the client-providers of the information contained in the certifications and did not review and attest to the accuracy of the certifications, before they were filed with the court. Although the individual certifying to the accuracy of the information had no knowledge of the data in the certification, there was no indication that the information was not accurate in all other respects. Diaz himself did not file any of the documents attaching pre-signed certifications in bankruptcy court, although he was aware of the practice. Most were filed by another attorney, over whom Diaz had supervisory responsibility. Although the other attorney was admonished, in light of an unblemished history of over twenty years and lack of dishonest intent, Diaz was reprimanded because of his supervisory role.

Respondent was also in a supervisory role and, like Diaz, did not have a dishonest intent. Rather, it appears that respondent's actions were a misguided attempt at efficiency. Therefore, the Board agreed that a reprimand is appropriate discipline in this case.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated January 5, 2014.

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2. Stipulation of discipline by consent, dated January 15, 2014.
3. Affidavit of consent, dated January 9, 2014.
4. Ethics history, dated May 22, 2014.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/paa

encls.

c: Bonnie C. Frost, Chair, Disciplinary Review Board
(w/o encls.)
Charles Centinaro, Director, Office of Attorney Ethics
(w/o encls.)
Justin P. Walder, Esq., Respondent's Counsel (w/o encls.)
Roger Plawker, Esq., Respondent's Counsel (w/o encls.)
Nancy Bromley, Grievant