

PREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket Nos. DRB 08-243
District Docket No. XIV-03-335,
XIV-03-351E, XIV-03-372E, XIV-03-424E,
XIV-03-458E, XIV-04-313E, XIV-05-403E,
XIV-06-509E, and XIV-06-510E

IN THE MATTER OF :
:
:
STEPHEN D. LANDFIELD :
:
AN ATTORNEY AT LAW :
:
:

Decision

Argued: November 20, 2008

Decided: December 23, 2008

John McGill, III appeared on behalf of the Office of Attorney Ethics.

Mitchell H. Cobert appeared on behalf of respondent.

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

These matters came before us on a recommendation of discipline (one-year suspension retroactive to November 1, 2000) filed by Special Master Kenneth R. Meyer. It is a compilation of nine complaints that had originally come before us as defaults.

They were remanded after we granted respondent's motion to remand and to consolidate all pending ethics matters against him. Seven of the complaints were rolled into one complaint. Two others (XIV-06-509E and 06-510E) were not. Therefore, our review encompasses three separate complaints.

The OAE agreed with the one-year retroactive suspension recommended by the special master. We voted to impose a six-month suspension, effective July 24, 2006, the expiration date of all of respondent's prior suspensions.

Respondent was admitted to the New Jersey bar in 1984. In 2003, he received an admonition for failure to promptly return the unearned portion of a fee. In the Matter of Stephen D. Landfield, DRB 03-137 (July 3, 2003).

On November 1, 2004, respondent was temporarily suspended from the practice of law for failure to pay a fee arbitration award. In re Landfield, 182 N.J. 28 (2004). Respondent was not reinstated.

On May 11, 2005, a second temporary suspension order was entered, this time for respondent's failure to cooperate with an OAE investigation of his trust and business account records. In re Landfield, 184 N.J. 3 (2005).

On January 24, 2006, the Supreme Court issued three orders of suspension in separate matters, including a three-month suspension and two six-month suspensions. The first order suspended respondent for three months for failure to promptly notify a third party of the receipt of property and failure to promptly deliver property to a third party, failure to cooperate with disciplinary authorities, and misrepresentation to a client. In re Landfield, 185 N.J. 605 (2006).

The second order suspended respondent for six months for gross neglect, lack of diligence, failure to communicate with clients, failure to set forth in writing the basis or rate of the fee, and failure to cooperate with disciplinary authorities. In re Landfield, 185 N.J. 609 (2006).

The third order suspended respondent for an additional six-month term for gross neglect, pattern of neglect, lack of diligence, failure to communicate with clients, failure to set forth in writing the basis or rate of a fee, and violating the Rules of Professional Conduct. In re Landfield, 185 N.J. 607 (2006). All three suspensions were to be effective on January 24, 2006.

On March 28, 2006, respondent received a three-month suspension for gross neglect, failure to communicate with the

client, and failure to return an unearned fee in a single client-matter. In re Landfield, 186 N.J. 269 (2006).

I. The Nozik Matter -- District Docket No. XIV-06-510 (formerly X-04-092E).

The complaint alleged violations of RPC 1.1(a) (gross neglect), RPC 1.1(b) (pattern of neglect), RPC 1.4(a) (now (b)) (failure to communicate with the client), RPC 4.4 (respect for rights of third persons), RPC 8.4(a) (attempt to violate the RPCs), RPC 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and RPC 8.1(b) (failure to cooperate with ethics authorities).

In March 2003, respondent represented Yevgeniy and Magle Nozik in the purchase of a house in Hackettstown. Magle Nozik testified that she and her husband had paid respondent \$750 for the representation and an additional \$960 for recordation expenses.

Settlement took place on March 28, 2003. One month later, in April 2003, the Noziks attempted to refinance their mortgage. Magle recalled finding out that respondent had not recorded their deed and trying to contact him about it. She testified

about her many telephone calls to respondent, upon learning of the problem with the deed:

I start to call [respondent.] I called him 50, hundred times. And he pick up phone, but he was very rude. Many times, he hang up phone on me.

And finally I was asking him, meet me and record the deed because prices went up. Was 960, and now title company was asking me 2000.

[1T10-23 to 1T11-3.]¹

In addition, Faren Wilner, a title officer from the title company, sent respondent a March 1, 2004 request that he record the deed and the mortgage, but respondent failed to do so.

The Noziks continued to call respondent through March 2004, when he finally returned their many calls. He told them that he was no longer practicing law. According to Magle, after arranging and missing several appointments to meet with the Noziks, respondent ultimately returned the unrecorded mortgage and the \$960 to them. Respondent told the Noziks that he had been sick, that he had forgotten to file the documents, and that they should ask the title company to do it.

¹ 1T refers to the transcript of the February 24, 2006 DEC hearing.

In addition, as a result of respondent's inaction, the Noziks' refinancing was delayed a full year. They were forced to pay an additional \$1,975 to have the deed and the mortgage recorded.

On October 27, 2004, the DEC sent respondent a copy of the Nozik grievance and requested a reply to it. Having received no reply, on November 10, 2004, the DEC sent a second request. Hearing nothing from respondent, on December 9, 2004, the DEC filed the complaint.

At the DEC hearing, respondent conceded that his conduct was improper. In a line of questioning by a panel member, respondent explained his actions:

MS. BROWN: All right. Let me focus on this. Now, you today have admitted essentially the facts, the allegations that Ms. Nozik has made; right?

MR. LANDFIELD: Yes.

MS. BROWN: So there is no factual dispute here about what happened; right?

MR. LANDFIELD: . . . I certainly admit that I didn't record the deed, that I was difficult to work with, and that I returned the 960.

[1T51-9 to 20.]

As respondent has asserted in his other ethics matters, he attributed his misconduct to his bipolar disorder. The DEC considered a report from Saint Clair's Behavioral Health Center and a prescription pad from John Ho, M.D., which said that respondent has suffered from bipolar disorder since he was a teenager. Because that information did not completely square with respondent's testimony that his disorder had gone undiagnosed for a period of time, when the ethics infractions allegedly took place, the DEC questioned respondent's credibility on this issue. Moreover, because respondent furnished no expert testimony, expert report, or medical records previously requested of him, the DEC also questioned respondent about his responsibility for his actions:

MS. BROWN: And in your answer, you refer to this [bipolar disorder] as an affirmative defense.

MR. LANDFIELD: Yes.

MS. BROWN: And, are you still making that, as you stand here today, I understand that you are - from what you say as a result of medication you are a different person than the person who drafted the answer. But is it still your position that your illness in some way is an affirmative defense to the charges that are against you?

MR. LANDFIELD: Yes, because my illness was responsible for what I did.

MS. BROWN: Okay.

MR. LANDFIELD: I was not acting responsibly because of what, by the way, is a physical illness, a chemical imbalance in the brain, not emotional, like a schizophrenic type of thing.

[1T49-17 to 1T50-8.]

MS. BROWN: And so your position is that because of this illness that you say you have, that even though you have engaged in conduct that you acknowledge appears to violate the rules of professional conduct, that because of the illness, we should find no violation? Is that what you are asking?

I just want to get this right.

MR. LANDFIELD: I'd like to see that. I don't think there's much opportunity for that. So I guess I would ask it in mitigation.

[1T52-10 to 1T52-20.]

**II. The Manderichio Matter - District Docket No. XIV-06-509
(formerly X-04-083E)**

The complaint alleged violations of RPC 1.1(a) (gross neglect), RPC 1.1(b) (pattern of neglect), RPC 1.4(a) (now (b)) (failure to communicate with the client), RPC 4.4 (respect for rights of third persons), RPC 8.4(a) (attempt to violate the RPCs), RPC 8.4(c) (conduct involving dishonesty, fraud, deceit,

or misrepresentation), and RPC 8.1(b) (failure to cooperate with ethics authorities).

In November 2002, Anthony Manderichio retained respondent to represent him in a divorce matter. Manderichio paid respondent \$3,000 for the representation.²

At the DEC hearing, Manderichio provided details about the representation. He stated that respondent had fallen behind early in the representation and had missed three court appearances.

In November 2003, Manderichio paid respondent \$1,000 to file a motion to compel his ex-wife's compliance with visitation orders. Although respondent promised to file the motion in time to be heard before the Christmas holiday, he did not do so. According to Manderichio, respondent never explained why he had not done so and did not return the fee.

Further, Manderichio recalled that there came a point when respondent stopped communicating with him about the status of the matter. He and respondent had utilized "email" as a preferred method of communication. Manderichio introduced a

² The complaint erroneously cited the beginning of the representation as July 2003, a mistake that Manderichio corrected during his testimony at the original DEC hearing.

number of email messages between him and respondent, from the latter part of 2003.

In May 2004, Manderichio received an email from respondent, attaching a draft judgment of divorce prepared by the wife's attorney. Because of respondent's inaction, the family court ordered the wife's attorney to prepare that document. Manderichio made several corrections and returned it to respondent, with instructions that respondent contact him. Respondent never did so.

According to Manderichio, respondent also failed to reply to his numerous telephone calls and emails for information about the case. In fact, Manderichio stated that, after he sent back the draft divorce judgment, he "heard nothing back at all."

As a result of respondent's inaction and unavailability, Manderichio retained a new attorney, at a substantial additional cost to him.

The complaint also charged respondent with failure to cooperate with ethics authorities in the investigation of the grievance. On September 28, 2004, the DEC sent respondent a copy of the grievance and requested his written reply. Hearing nothing, on October 18, 2004, the DEC sent a second request for

a written reply. Respondent failed to comply with that request. Therefore, the DEC filed a complaint on December 20, 2004.

Between January 2, 2005 (the date of respondent's answer) and the December 19, 2005 hearing, the DEC sent six notices to respondent regarding the ethics proceedings. The final notice was sent by certified mail to the post office box respondent himself had listed in his answer, as well as to his home address. Respondent, however, did not accept delivery of the certified mail.

On December 18, 2005, the day before the DEC hearing, the panel chair spoke to respondent by telephone, at which time respondent was notified of the date and time of the hearing. According to the panel chair, respondent was "discourteous" toward him. Respondent indicated that he would not attend the hearing.

Finally, in support of the charge that respondent engaged in a pattern of neglect, the presenter cited numerous other instances of gross neglect in respondent's prior ethics matters.

Respondent's original position is contained in his January 2, 2005 answer to the ethics complaint. He orally advised the presenter, on December 18, 2005, that he intended to be absent from the DEC hearing. According to the presenter, respondent

[a]cknowledged that he had my letter on December 17 in regard to the adjournment of one hearing and the proceeding of the other hearing, and he proceeded to be very discourteous to me in regard to the disciplinary proceedings themselves. He hung up on me and then called back and apologized, but I was satisfied that he had notice.

[2T5-14 to 2T5-21.]³

Respondent's answer contained a general denial of all of the charges against him. In particular, respondent denied that he had neglected Manderichio's matter. He claimed that the Manderichios had been responsible for delays in the case because they had been unable to agree on settlement terms during the divorce proceedings.

Respondent's answer specifically denied the other ethics charges, except for the allegations of RPC 1.4(a). Respondent stated his belief that he communicated adequately with Mr. Manderichio. However, he also asserted that he suffered from a serious illness throughout this period, which would have "affected his ability to address this matter."

Respondent furnished nothing to the original DEC panel to support the claims in his answer, nor did he refute the

³ "2T" refers to the transcript of the December 19, 2005 DEC hearing.

testimony from his client. After we remanded the matter for consolidation, respondent admitted the underlying misconduct, as evidenced by statements contained in the OAE's post-hearing summary to the special master and in the special master's report. Both documents state that respondent admitted the conduct, but offered a psychiatric defense. Respondent did not take issue with either of those documents.

Respondent asserted that his bipolar condition was the cause of his actions. He offered it as an affirmative defense to the charges of the complaint.

III. The OAE Complaint - District Docket Nos. XIV-04-313E; XIV-03-335E; XIV-03-351E; XIV-03-372E; XIV-03-424; XIV-03-458E; and XIV-05-403E

The OAE's six-count complaint charged respondent with failure to cooperate with ethics authorities (RPC 8.1(b)), recordkeeping violations (R. 1:21-6 and RPC 1.15(d)), lack of diligence (RPC 1.3), gross neglect (RPC 1.1(a)), negligent misappropriation (RPC 1.15(a)), and failure to comply with R. 1:20-20, dealing with suspended attorneys, in violation of RPC 3.4(c) (knowingly disobeying a court order) and conduct prejudicial to the administration of justice (RPC 8.4(d)). The allegations arise from a demand audit of respondent's attorney

trust and business accounts that culminated in a comprehensive investigative report, dated August 2, 2006.

In his answer and joint stipulation of facts, respondent admitted all of the allegations of the complaint. He again offered his bipolar disorder as a defense and as mitigation.

According to count one, Carl Hu filed a grievance against respondent on September 10, 2002, alleging that he had failed to attend to post-closing aspects of a real estate transaction that occurred in June 2002. Although the DEC forwarded copies of the grievance to respondent on October 7 and November 15, 2002, he failed to comply with the DEC's requests for information about the grievance. Count one alleged that respondent failed to cooperate with ethics authorities (RPC 8.1(b)).

Count two addressed the OAE's June 3, 2003 receipt of an overdraft notice for respondent's trust account, which prompted a demand audit. The audit, which was held on July 18, 2003, revealed a significant balance of funds in the trust account. Respondent was unable, however, to identify to whom the funds belonged. Moreover, the audit found respondent's records "grossly incomplete."

Respondent appeared at the OAE's offices for continuations of the audit on April 19 and May 19, 2004. On October 13, 2004,

he advised the OAE that he would not appear for another audit, scheduled for the following day. Respondent failed to participate any further in the OAE's investigation, resulting in his May 11, 2005 temporary suspension. Count two alleged that respondent failed to cooperate with ethics authorities (RPC 8.1(b)).

Count three concerned numerous recordkeeping violations that were detected by the audit. Respondent had failed to maintain receipts and disbursements ledgers, to maintain a running balance in the trust account check register, to maintain accurate trust account ledger sheets, and to keep client ledger sheets and reconcile them to the bank account statements. He also allowed inactive client balances to remain in the trust account for extended periods. Count three alleged violations of R. 1:21-6 and RPC 1.15(d) (recordkeeping violations).

Count four charged respondent with having neglected the post-closing aspects of four real estate matters in which he represented the purchasers, violations of RPC 1.1(a) and RPC 1.3. Specifically, in the Chad C. Casale matter (May 17, 2002 closing), respondent failed to pay off the seller's \$103,000 mortgage and to record the deed and the mortgage. In the Carl Hu matter (June 3, 2002 closing), respondent failed to disburse

payments for real estate taxes and title insurance and failed to provide closing documents to Hu, rendering him unable to refinance the mortgage loan. In the Anna Trainor matter (November 13, 2002 closing), respondent failed to pay the realty transfer fee, recording fees, and title insurance premium. He also failed to record the deed and the mortgage. Finally, in the Ravindra Chimata matter (February 24, 2003 closing), respondent failed to pay the realty transfer fee and the title insurance premium. He also failed to record the deed, rendering Chimata unable to refinance the mortgage loan.

Count five charged respondent with having negligently misappropriated client funds, when he represented Zhi Li in the June 29, 2002 purchase of a property in Morris Plains. Respondent disbursed a total of \$256,627.98 on behalf of the transaction, but did so prior to depositing monies that were to fund the transaction. Respondent is alleged to have invaded other client funds on deposit in the trust account, in violation of RPC 1.15(a). There is no allegation that respondent knowingly misappropriated client or escrow funds.

Count six addressed respondent's failure to comply with R. 1:20-20. According to the complaint, after having been ordered, on September 27, 2004, to file an affidavit required of all

suspended attorneys, respondent failed to do so. On March 18, 2005, the OAE sent him a letter requesting proof of compliance with R. 1:20-20. Respondent received the letter on March 22, 2005.

On April 13, 2005, an OAE investigator visited respondent's house in Succasunna and personally gave his wife a copy of the Court order and of R. 1:20-20 for respondent's use. As of August 2, 2005, respondent had not filed the affidavit. According to the complaint, respondent's failure to comply with R. 1:20-20 violated RPC 3.4(c) (knowingly disobeying a court order) and RPC 8.4(d) (conduct prejudicial to the administration of justice).

At the remand hearing before the special master, respondent and his wife testified about the medical condition that beset respondent during the period involved in these matters. From 1997 to 2003, he had been suffering from an undiagnosed illness. Respondent's law practice suffered, he failed to file income tax returns for several years, he failed to pay the mortgage on the couple's house, thereby plunging it into foreclosure on more than one occasion. The financial ruin was so complete that respondent was compelled to file for bankruptcy protection.

The special master found respondent guilty of all of the charges in the Nozik and Manderichio matters, except those

related to RPC 4.4, RPC 8.4(a), and RPC 8.4(c), for which the special master found a lack of clear and convincing evidence.⁴

The special master also found respondent guilty of the charges in the OAE complaint. He recommended a one-year suspension, retroactive to November 1, 2004, the date of respondent's original temporary suspension. The special master relied on cases dealing with attorneys who committed ethics infractions while suffering from mental illness and who had a disciplinary record. In re Rosenthal, 118 N.J. 454 (1990); In re Litwin, 104 N.J. 362 (1986); In re Esposito, 96 N.J. 122 (1884); In re Asbell, 135 N.J. 446 (1994); and In re Mirabelli, 79 N.J. 597 (1979).

Upon a de novo review of the record, we are satisfied that the special master's conclusion that respondent's conduct was unethical was fully supported by clear and convincing evidence.

Respondent largely admitted his misconduct in the Nozik matter and his demeanor toward his clients. He neglected their simple real estate matter for a year, allowing the mortgage and the deed to go unrecorded for that period of time, all the while being asked by the clients to take action. During that year's

⁴ In its written summary to the special master, the OAE conceded that the RPC 4.4 and RPC 8.4(a) and (c) charges could not be proven by clear and convincing evidence.

time, he ignored the Noziks' repeated requests for help in straightening out the problem so that they could refinance their purchase.

In addition, he failed to cooperate with ethics authorities in the investigation of the Nozik grievance by withholding documents relating to the Noziks' matter and failing to provide to ethics authorities requested documentation of his medical condition. Altogether, thus, respondent violated RPC 1.1(a), RPC 1.4(b), and RPC 8.1(b) in the Nozik matter.

The complaint also charged respondent with having violated RPC 4.4. That rule states that

[i]n representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

The record does not demonstrate that respondent embarrassed, delayed or burdened a third party. Moreover, improper evidence-gathering does not appear to be an issue here. As previously noted, the OAE conceded that it could not prove the RPC 4.4 and RPC 8.4 (a) and (c) charges by clear and convincing evidence. We, thus, dismiss them.

In the Manderichio matter, respondent's answer to the ethics complaint denied the charges, but furnished no support for those denials. Respondent later admitted his misconduct, according to documents filed by the OAE and the special master. In any event, the charges were clearly and convincingly proven at the DEC hearing. As Manderichio testified, respondent missed three required court appearances during the representation, never filed a pre-Christmas holiday motion for visitation, stopped communicating the status of the case to Manderichio, and failed to correct the draft divorce judgment and to return it to the ex-wife's attorney. Thereafter, respondent failed to reply to his client's numerous telephone calls and emails about the status of his case.

Altogether, in the Manderichio matter, respondent exhibited gross neglect (RPC 1.1(a)), lack of diligence (RPC 1.3), and failure to communicate with the client (RPC 1.4(b)). In addition, his failure to cooperate with ethics authorities during the investigation of the case and his failure to attend the DEC hearing violated RPC 8.1(b). The latter also violated R. 1:20-6(c)(2)(D) ("Respondent's appearance at all hearings is mandatory").

On the other hand, the record does not demonstrate, and the OAE so conceded in its brief to the special master, that respondent violated RPC 4.4, RPC 8.4(a) and (c) in the Manderichio matter. Therefore, we dismiss those charges.

With regard to the six-count OAE complaint, respondent admitted that he failed to cooperate with disciplinary authorities in an ethics investigation (RPC 8.1(b)), committed recordkeeping violations (R. 1:21-6 and RPC 1.15(d)), lacked diligence and grossly neglected the post-closing aspects of four real estate matters (RPC 1.3 and RPC 1.1(a)), negligently misappropriated client funds (RPC 1.15(a)), and failed to comply with R. 1:20-20, dealing with suspended attorneys, violations of RPC 8.1(b) and RPC 8.4(d).⁵

Finally, respondent was charged in these matters with a pattern of neglect (RPC 1.1(b)). For a finding of a pattern of neglect at least three instances of neglect are required. In the Matter of Donald M. Rohan, DRB 05-062 (June 8, 2005) (slip op. at 12-16). Here, respondent displayed gross neglect in six matters: Nozik, Manderichio, Hu, Casale, Trainor, and Chimata. We, therefore, find that he violated RPC 1.1(b).

⁵ Although the complaint cited RPC 8.4(d) and RPC 3.4(c), the more applicable RPCs are 8.1(b) and 8.4(d). R. 1:20-20(c).

As noted previously, respondent presented an affirmative medical defense to his actions in all three complaints before us. He contended that his disorder rendered him incapable of recognizing his unethical conduct. Therefore, he urged, the complaints should be dismissed. We disagree. The record does not support a finding that respondent has "suffered a loss of competency, comprehension or will of a magnitude that could excuse egregious misconduct that was clearly, knowing, volitional and purposeful." In re Jacob, 95 N.J. 132, 138 (1984).

In summary, in these nine matters respondent is guilty of gross neglect in six matters, pattern of neglect, failure to communicate in two matters, and failure to cooperate with ethics authorities in three client matters and a demand audit. He also committed numerous recordkeeping violations, lacked diligence in four of the matters, negligently misappropriated client funds, and failed to comply with R. 1:20-20 after he was temporarily suspended in November 2004.

Respondent's misconduct in these nine consolidated matters must be viewed in conjunction with similar acts of misconduct that he committed during the same time period (2002-2004) in eight other client matters and for which he received four

separate suspensions between January and March 2006. Those suspensions totaled eighteen months in duration and expired on July 24, 2006. Thus, looked at as a whole, respondent is guilty of a pattern of misconduct in a total of seventeen matters, between 2002 and 2004. His ethics offenses were all part and parcel of the same overall pattern of misconduct.

Between 2002 and 2004, respondent was at the height of his suffering with a medical disorder. As the misconduct occurred during a roughly two-year period, what discipline would have resulted if all of the matters had been considered together?

In In re Tunney, 185 N.J. 398 (2005), the attorney was suspended for six months for failure to communicate with clients in three matters, gross neglect and lack of diligence in two of those matters, and failure to withdraw from the representation when his mental condition required termination of the representation. The misconduct for which the attorney received a six-month suspension occurred during the same period in which the attorney mishandled eight prior matters (six plus another two matters that were heard later, but which resulted in no additional discipline). The attorney's misconduct in eleven total matters coincided with the period during which he was suffering from depression. Altogether, the misconduct included

gross neglect, lack of diligence, pattern of neglect, failure to communicate with clients, and misrepresentation to the clients.

This Board and the Court viewed the attorney's conduct in the eleven matters globally, found that it would have been beneficial if all of the matters had been heard together, and determined to suspend him for an additional six-month period for the latest disciplinary matter.

Other cases presenting similar misconduct over comparable time periods have resulted in six-month or one-year suspensions. See, e.g., In re LaVergne, 168 N.J. 410 (2001) (six-month suspension for attorney who mishandled eight client matters; the attorney exhibited lack of diligence in six of them, failure to communicate with clients in five, gross neglect in four, and failure to turn over the file upon termination of the representation in three; in addition, in one of the matters the attorney failed to notify medical providers that the cases had been settled and failed to pay their bills; in one other matter, the attorney misrepresented the status of the case to the client; the attorney was also guilty of a pattern of neglect and recordkeeping violations; no evidence of mental illness); In re Lester, 148 N.J. 86 (1997) (six-month suspension for attorney who displayed lack of diligence, gross neglect, pattern of

neglect, and failure to communicate in six matters, failed to cooperate with the investigation of the grievances, and allowed the disciplinary matter to proceed as a default; in one of the matters, the attorney misrepresented, in a letter to his adversary, that the adversary's secretary had consented to extend the time to file the answer; the attorney had received a reprimand in 1990 for gross neglect in two matters -- at which time the Court noted the attorney's recalcitrant and cavalier attitude toward the district ethics committee -- and another reprimand in 1996 for failure to communicate, failure to supervise office staff and failure to release a file to a client); In re Pollan, 143 N.J. 305 (1996) (attorney suspended for six months for misconduct in seven matters, including gross neglect, pattern of neglect, failure to communicate with clients, failure to deliver a client's file, misrepresentation, recordkeeping improprieties, and failure to cooperate with ethics authorities; clinical depression alleged); In re Chamish, 128 N.J. 110 (1992) (six-month suspension imposed for misconduct in six matters, including failure to communicate with clients and lack of diligence; in one of the matters, the attorney represented both the driver and the passenger in a motor vehicle case and then filed suit on behalf of the driver through the

unauthorized use of another attorney's name and forgery of the attorney's signature on the complaint); In re Martin, 118 N.J. 239 (1990) (attorney suspended for six months for engaging in a pattern of neglect in seven matters for a period of five years, by routinely failing to conduct discovery and to apprise clients of the status of their cases; in two matters, the attorney entered into settlement agreements without the clients' consent and, in one matter, advanced funds to a client; more seriously, during a meeting with a client, the attorney put a gun and a box of bullets on his desk in a menacing way, thereby frightening the client); In re Brown, 167 N.J. 611 (2001) (one-year suspension for attorney who, as an associate in a law firm, mishandled twenty to thirty files by failing to conduct discovery, to file pleadings, motions and legal briefs, and to generally prepare for trials; the attorney also misrepresented the status of cases to his supervisors and misrepresented his whereabouts, when questioned by his supervisors, to conceal the status of matters entrusted to him; the disciplinary matter proceeded as a default; the attorney had been reprimanded before); In re Lawnick, 162 N.J. 113 (1999) (one-year suspension for attorney who agreed to represent clients in six matters and took no action, despite having accepted retainers in five of

them; the attorney also failed to communicate with the clients and failed to cooperate with the investigation of the ethics grievances); In re Marum, 157 N.J. 625 (1999) (attorney suspended for one year for serious misconduct in eleven matters, including lack of diligence, gross neglect, failure to communicate with clients, failure to explain the matter to clients in detail to allow them to make informed decisions about the representation, misrepresentation to clients and to his law partners, which included entering a fictitious trial date on the firm's trial diary, and pattern of neglect; the attorney also lied to three clients that their matters had been settled and paid the "settlements" with his own funds; the attorney's misconduct spanned a period of eleven years; in aggravation, the attorney had two prior admonitions, failed to recognize his mistakes and blamed clients and courts therefor); In re Herron, 140 N.J. 229 (1995) (one-year suspension for attorney who engaged in unethical conduct in seven matters; the attorney either grossly neglected them or failed to act with diligence, failed to keep the clients informed of the progress of their matters and, in two cases, misrepresented their status to the clients; the attorney also failed to cooperate with disciplinary authorities; in a subsequent matter, In re Herron, 144 N.J. 158

(1996), the Court suspended the attorney for one year, retroactive to the starting date of the first one-year suspension, for misconduct in two matters, including gross neglect, lack of diligence, failure to communicate with clients and failure to cooperate with disciplinary authorities; the attorney's conduct in that subsequent matter occurred after he was on notice that his conduct in the prior seven matters was under scrutiny by ethics authorities).

Here, during respondent's 2002 to 2004 illness, he mishandled a total of seventeen matters. He has already received suspensions totaling eighteen months in eight of the matters, with the remaining nine now before us. In aggravation, respondent defaulted in two of the matters that led to his suspensions and for years refused to cooperate with the OAE's efforts to obtain information about his trust account practices, as a result of which he was temporarily suspended in May 2005. He also failed to comply with R. 1:20-20, which is another instance of failure to cooperate with disciplinary authorities.

We find that respondent's overall misconduct in the seventeen matters was more serious than the conduct in the above-cited cases and deserving of a two-year suspension. Because respondent has already received two six-month

suspensions and two three-month suspensions, he should be given an additional six-month suspension, for a total of two years. In keeping with the tenor of the special master's recommendation that the suspension be retroactive and considering that respondent has not practiced law for over four years now, we determine that the suspension should start running from July 24, 2006, when all prior suspensions expired.

We also require respondent to provide, prior to reinstatement, proof of fitness to practice law, as attested by an OAE-approved medical professional, as well as a certification that he continues to take his prescribed medications and that, with the aid of an accountant, he is reconstructing his trust account. Respondent should also be monitored by a proctor for two years, upon reinstatement, and be required to provide to the OAE quarterly reconciliations of his trust and business accounts for two years.

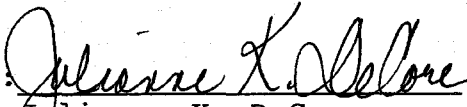
Finally, the condition in the prior orders is reiterated, that is respondent should not be reinstated to the practice of law until he satisfies the outstanding fee arbitration determinations.

Vice-Chair Frost recused herself. Member Stanton did not participate.

The protective order issued by the special master in connection with respondent's medical records is to remain in effect.

We further determine to require respondent 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
Louis Pashman, Chair

By: 
Julianne K. DeCore
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

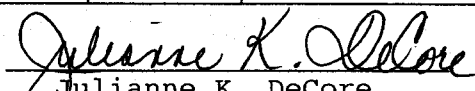
In the Matter of Stephen D. Landfield
Docket No. DRB 08-243

Argued: November 20, 2008

Decided: December 23, 2008

Disposition: Six-month suspension

Members	Disbar	Six-month suspension	Reprimand	Dismiss	Disqualified	Did not participate
Pashman		X				
Frost					X	
Baugh		X				
Boylan		X				
Clark		X				
Doremus		X				
Lolla		X				
Stanton						X
Wissinger		X				
Total:		7			1	1


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