SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 08-435
District Docket No. XIV-2007-0347E

IN THE MATTER OF	:
LARRY BRONSON	:
AN ATTORNEY AT LAW	:

Decision

Argued: March 19, 2009

Decided:

Christina Blunda Kennedy appeared on behalf of the Office of Attorney Ethics.

Respondent waived appearance for oral argument.

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

This matter came before us on a stipulation between the Office of Attorney Ethics ("OAE") and respondent. Respondent admitted that he violated RPC 1.15(a) (failure to safeguard funds), RPC 8.1(b) (failure to cooperate with disciplinary

authorities), and R. 1:21-6 (recordkeeping). The OAE recommends an admonition. We determine to impose a reprimand.

Respondent was admitted to the New Jersey bar in 1970. He was reprimanded, in November 2008, for failure to memorialize the basis or rate of his fee, lack of candor toward a tribunal, and the unauthorized practice of law. In that case, respondent represented a client in a criminal matter in New York, although he is not licensed to practice law in that jurisdiction. He failed to disclose to the New York court that he was not admitted to practice law in that state. He also did not prepare a written fee agreement, as required in New York.

Respondent was temporarily suspended on January 22, 2008, after pleading guilty, in the United States District Court for the Eastern District of New York, to an information charging him with the illegal structuring of monetary transactions. In re Bronson, 193 N.J. 349 (2008). He remains suspended to date.

According to the New Jersey Lawyers' Fund for Client Protection, respondent has been ineligible to practice law since September 25, 2006.

Respondent maintained an attorney trust account at Bank of America, in New York, in the name of Bronson & Bronson. He also maintained a trust account and a business account in New Jersey.

From May 31 through December 4, 2006, respondent overdrew his New York trust account eight times. Bank of America notified the New York disciplinary authorities of the overdrafts. In turn, the New York disciplinary authorities notified the OAE, because, as indicated earlier, respondent is not licensed to practice law in New York.

By letters dated August 16, September 27, and October 3, 2006, the OAE asked respondent to explain the May 31, 2006 overdraft. Respondent did not reply. Although he represented, on October 4, 2006, that he would reply to the OAE's requests, he failed to do so. During an October 16, 2006 telephone conversation with the OAE, respondent agreed to provide a written explanation of the overdrafts. Because he failed to produce the promised information, the OAE scheduled a demand audit of his attorney records for December 20, 2006. The audit was rescheduled three times, at respondent's request.

On January 23, 2007, respondent informed the OAE, via e-mail, that the only monies in his trust account at the time of the overdrafts were personal funds. On January 26, 2007, the OAE conducted a demand audit of respondent's books and records. The OAE confirmed that there were no client funds in respondent's trust account when the overdrafts occurred. Respondent's trust

account contained legal fees, disbursements from a brokerage account maintained by a family business, and funds lent to respondent from family and friends. Respondent used these monies to pay his personal expenses. During the audit, respondent asserted that the Bronson & Bronson trust account was opened with his son, Edward Bronson, who, although admitted in New York, does not practice law. Respondent is the only signatory on the trust account.

In the stipulation, respondent admitted that he violated RPC 1.15(a) and R. 1:21-6 by not maintaining all of his attorney trust accounts in New Jersey, where he is licensed; RPC 1.15(a) by maintaining personal funds in his trust account; and RPC 8.1(b) by delaying his response to the OAE's requests for information and by repeatedly adjourning the demand audit.

Following a review of the record, we find that the facts recited in the stipulation clearly and convincingly establish violations of RPC 1.15(a), RPC 1.15(d) (in lieu of R. 1:21-6) and RPC 8.1(b).

Respondent maintained personal funds in an attorney trust account in New York. 22 NYCRR §1200.46 provides:

> b) Separate accounts. (1) A lawyer who is in possession of funds belonging to another person incident to the lawyer's practice of

> law, shall maintain such funds in a banking institution within the State of New York . . . Such funds shall be maintained, in the lawyer's own name, or in the name of a firm of lawyers of which he or she is a member, or in the name of the lawyer or firm of lawyers by whom he or she is employed, in a special account or accounts, separate from any business or personal accounts of the lawyer or lawyer's firm . . .

Respondent, thus, violated the New York counterpart to New Jersey RPC 1.15(a) by depositing non-client funds in his trust account. He also violated RPC 1.15(a) and RPC 1.15(d) (failure to comply with the provisions of R. 1:21-6) by maintaining a New York trust account, when he is licensed to practice only in New Jersey.[1] Although respondent admitted that he violated R. 1:21-6, the proper charge is a violation of RPC 1.15(d). Moreover, by ignoring the OAE's attempts to obtain information and by not complying with the OAE's efforts to schedule a demand audit, respondent violated RPC 8.1(b).

The discipline generally imposed for recordkeeping violations is an admonition. See, e.g., In the Matter of Thomas F. Flynn, III, DRB 08-359 (February 20, 2009) (for extended

[1] The stipulation did not mention whether respondent practiced law in New York.

periods of time, attorney left in his trust account unidentified funds, failed to satisfy liens, allowed checks to remain outstanding, and failed to perform one of the steps of the reconciliation process; no prior discipline); In the Matter of Jeff E. Thakker, DRB 04-258 (October 7, 2004) (lawyer failed to maintain an attorney trust account in a New Jersey banking institution); In the Matter of Arthur G. D'Alessandro, DRB 01-247 (June 17, 2002) (attorney guilty of numerous recordkeeping deficiencies); In the Matter of Marc D'Arienzo, DRB 00-101 (June 29, 2001) (attorney failed to use trust account and to maintain required receipts and disbursements journals, as well as client ledger cards); In the Matter of Christopher J. O'Rourke, DRB 00-069 (December 7, 2000) (attorney did not keep receipts and disbursements journals, as well as a separate ledger book for all trust account transactions); and In the Matter of Arthur N. Field, DRB 99-142 (July 19, 1999) (lawyer did not maintain an attorney trust account in a New Jersey banking institution).

For failure to cooperate with disciplinary authorities, admonitions are also imposed, if the attorney does not have an ethics history. See, e.g., In the Matter of Kevin R. Shannon, DRB 04-512 (June 22, 2004) (attorney did not promptly reply to the DEC investigator's requests for information about the

grievance); In the Matter of Keith O. D. Moses, DRB 02-248 (October 23, 2002) (attorney failed to reply to DEC's requests for information about two grievances); In the Matter of Jon Steiger, DRB 02-199 (July 22, 2002) (attorney did not reply to the district ethics committee's numerous communications regarding a grievance); In the Matter of Grafton E. Beckles, II, DRB 01-395 (December 21, 2001) (attorney did not cooperate with disciplinary authorities during the investigation and hearing of a grievance); In the Matter of Andrew T. Brasno, DRB 97-091 (June 25, 1997) (attorney failed to reply to the ethics grievance and failed to turn over a client's file); and In the Matter of Mark D. Cubberley, DRB 96-090 (April 19, 1996) (attorney failed to reply to the ethics investigator's requests for information about the grievance).

If the attorney has a disciplinary history that is not serious, a reprimand may be imposed for failure to cooperate with ethics authorities. See, e.g., In re Wood, 175 N.J. 586 (2003) (attorney failed to cooperate with disciplinary authorities; prior admonition for similar conduct); In re DeBosh, 174 N.J. 336 (2002) (failure to cooperate with disciplinary authorities; prior three-month suspension); and In re Williamson, 152 N.J. 489 (1998) (attorney failed to cooperate with

disciplinary authorities; prior private reprimand for failure to carry out a contract of employment with a client in a matrimonial matter and failure to surrender the client's file to a new attorney).

Here, respondent has a disciplinary history, having received a reprimand in 2008. Thus, solely for his failure to cooperate with the OAE, a reprimand would be warranted. He also deposited personal funds in a trust account and maintained a trust account in New York, a jurisdiction in which he was not admitted to practice law. In our view, a reprimand, rather than the admonition urged by the OAE, is the appropriate discipline for respondent's infractions.

Chair Pashman and Vice-Chair Frost did not participate.

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
Edna Baugh, Acting Chair

By: Julianne K. DeCore
Julianne K. DeCore
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
CORRECTED VOTING RECORD

In the Matter of Larry Bronson
Docket No. DRB 08-435

Argued: March 19, 2009

Decided: June 25, 2009

Disposition: Reprimand

Members	Disbar	Suspension	Reprimand	Dismiss	Disqualified	Did not participate
Pashman						X
Frost						X
Baugh			X			
Clark			X			
Doremus			X			
Lolla			X			
Stanton			X			
Wissinger			X			
Total:			6			2

By: Julianne K. DeCore
Chief Counsel