

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 03-426

IN THE MATTER OF
ADAM RONALD KIDAN
AN ATTORNEY AT LAW

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Decision

Argued: February 13, 2004

Decided: April 13, 2004

Richard J. Engelhardt appeared on behalf of the Office of Attorney Ethics.

Respondent failed to appear, despite proper notice.

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

This matter was before us based on a motion for reciprocal discipline filed by the Office of Attorney Ethics (“OAE”), following the imposition of discipline on respondent in New York.

Respondent was admitted to the New Jersey and New York bars in 1989. He has no disciplinary history in New Jersey. According to the OAE, the New Jersey Lawyers' Fund for Client Protection reported that respondent has been "retired" from the practice in New Jersey since 1995. On November 13, 2000, he was disbarred in New York pursuant to an affidavit of resignation dated June 14, 2000. *In re Kidan*, 276 A.D.2d 234 (2000). Respondent did not notify the OAE of his New York disbarment, as required by *Rule* 1:20-14(a).

The opinion of the Supreme Court of New York, Appellate Division, Second Department, recites the circumstances leading up to respondent's resignation:

Mr. Kidan is aware that he is the subject of an investigation by the Grievance Committee whereby evidence of his professional misconduct has been adduced and that the Grievance Committee would recommend the institution of a disciplinary proceeding against him. Mr. Kidan avers that in December 1993, while employed in an "of counsel" capacity to the firm of Duncan, Fish & Bergson, he referred his stepfather, Sami Shemtov, to the firm to handle the sale of one of his businesses. On December 16, 1993, the business was sold and \$450,000 was placed in escrow for Mr. Shemtov's benefit. On March 4, 1994, a \$100,000 check, representing a partial release of escrow funds, was delivered to Mr. Kidan. He acknowledges that he failed to properly maintain and preserve those funds during the period they were entrusted to him. Mr. Shemtov filed a complaint against Mr. Kidan with the Grievance Committee. Thereafter, Mr. Kidan made restitution of \$100,000 directly to Mr. Shemtov. By letter dated October 13, 1995, Mr. Shemtov advised the Grievance Committee that the dispute was resolved and requested that the complaint be withdrawn.

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Mr. Kidan acknowledges that he cannot successfully defend himself on the merits against any disciplinary charges which may be initiated against him by the Grievance Committee based on these facts.

[*Id.* at 235.]

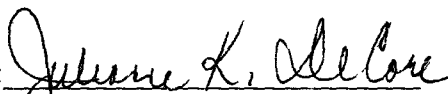
The OAE urges us to recommend respondent's disbarment for knowing misappropriation of client funds.

money without the client's consent, knowing that he had no authority to do so. *In re Wilson, supra*, 81 N.J. 451 (1979); *In re Noonan, supra*, 102 N.J. 157 (1986).

We, thus, determine to recommend to the Court that respondent be disbarred. One member abstained, based on the lack of clarity in the record. Two members did not participate.

We further require respondent to reimburse the Disciplinary Oversight Committee for administrative costs.

Disciplinary Review Board
Mary J. Maudsley, Chair

By: 
Julianne K. DeCore
Chief Counsel

**SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD**

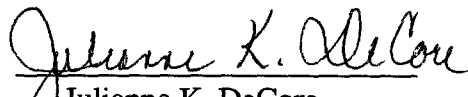
In the Matter of Adam Ronald Kidan
Docket No. DRB 03-426

Argued: February 13, 2004

Decided: April 13, 2004

Disposition: Disbar

<i>Members</i>	<i>Disbar</i>	<i>Suspension</i>	<i>Abstain</i>	<i>Admonition</i>	<i>Dismiss</i>	<i>Disqualified</i>	<i>Did not participate</i>
<i>Maudsley</i>			X				
<i>O'Shaughnessy</i>	X						
<i>Boylan</i>	X						
<i>Holmes</i>	X						
<i>Lolla</i>							X
<i>Pashman</i>							X
<i>Schwartz</i>	X						
<i>Stanton</i>	X						
<i>Wissinger</i>	X						
Total:	6		1				2


 Julianne K. DeCore
 Chief Counsel