

Respondent was admitted to the New Jersey bar in 1983. In 1998 he signed an agreement in lieu of discipline after a municipal court conviction of harassment. In that case, respondent had threatened to appear at his doctor's office and shoot everyone present. After he successfully completed the conditions of the agreement in lieu of discipline, the matter was dismissed.

* * *

On November 8, 1996, respondent represented Sean and Keeling Glennon in the purchase of real property. Respondent did not promptly complete post-closing procedures, as follows:

- he recorded the deed on August 19, 1997, nine months after the closing;
- he paid the title insurance premium on April 22, 1998, seventeen months after the closing;
- he paid the real estate taxes on July 7, 1998, twenty months after the closing (respondent reimbursed the Glennons' mortgage company, which had paid the taxes);
- he refunded the Glennons the balance of their escrow funds on July 7, 1998.

Because respondent did not maintain client ledger sheets, the OAE reconstructed the entire real estate transaction. Although respondent delayed the disbursement of the above funds, they remained intact in his attorney trust account. The Glennons' grievance also alleged that respondent failed to promptly provide original documents to them.

Respondent admitted that he violated *RPC 1.15(b)*, *RPC 1.1(a)*, *RPC 1.3* and *RPC 1.4*.

On November 24, 1998, after the Glennons filed the grievance, the OAE asked respondent for an accounting of the trust funds. Because respondent failed to reply, the OAE sent a second request on December 16, 1998. The OAE received respondent's reply on December 29, 1998. On April 9 and 10, 1999 the OAE conducted a select audit of respondent's books and records. The OAE auditor concluded that respondent had failed to correct the following deficiencies identified during a 1988 random audit:

- a running cash balance was not kept in the trust account checkbook;
- inactive trust ledger balances remained in the trust account;
- a separate ledger sheet was not maintained for each trust client.

The select audit also disclosed the following deficiencies:

- a schedule of clients' ledger accounts was not prepared and reconciled quarterly to the trust account bank statement;
- a trust receipts book was not maintained;
- a business receipts book was not maintained;
- a business disbursements book was not maintained;
- the attorney business account was frequently overdrawn.

The OAE sent an April 20, 1999 letter to respondent, noting the above deficiencies. Although, on June 17, 1999, respondent certified that he had corrected all recordkeeping violations, he never submitted a reconciliation of his trust account, as requested by the OAE.

Respondent admitted that he violated *RPC* 1.15(d) and *RPC* 1.1(a) by failing to correct the deficiencies identified during the 1988 random audit. He further acknowledged that, by failing to comply with the recordkeeping rules as identified in the 1999 select audit, he violated *RPC* 1.15(d) and *R.1:21-6*.

With respect to aggravating and mitigating factors, the stipulation referred to the agreement in lieu of discipline that respondent had signed and his successful completion of the conditions, resulting in its dismissal.

The OAE urged us to reprimand respondent and to require him to submit quarterly trust account reconciliations, certified by an accountant approved by that office. In recommending a reprimand, the OAE relied on *In re Zavodknick*, 139 *N.J.* 607 (1995); *In re Fucetola* 147 *N.J.* 255 (1997); *In re Salerno*, 152 *N.J.* 431 (1998) and *In re Saijwani*, 165 *N.J.* 563 (2000).

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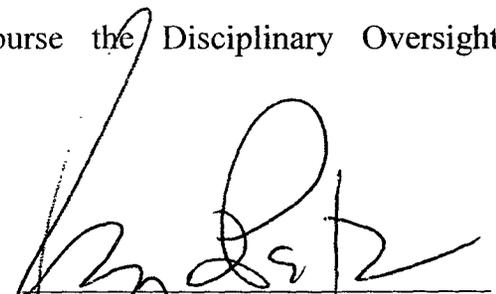
Respondent acknowledged that he violated *RPC* 1.1(a), *RPC* 1.3, *RPC* 1.4 and *RPC* 1.15(b) and (d). The stipulation provides ample basis to support those violations. Respondent represented the Glennons at a real estate closing and failed to promptly fulfill the post-closing requirements. He did not record the deed, pay the title insurance premium, pay the real estate taxes and refund escrow funds to his client until nine to twenty months after the closing. Respondent also delayed sending original documents to the Glennons. In addition, respondent failed to correct accounting deficiencies noted during a 1988 random

audit and was guilty of additional recordkeeping violations identified during the 1999 select audit.

Generally, in cases involving gross neglect, lack of diligence, failure to communicate with a client, failure to deliver funds and recordkeeping violations, reprimands are imposed. *See, e.g., In re Cheek*, 162 N.J. 98 (1999) (reprimand for gross neglect, failure to communicate and recordkeeping violations; attorney failed to have guardians appointed pursuant to a client's will, failed to keep executrixes and beneficiaries informed about the status of the client's estate, failed to timely file inheritance tax returns and was guilty of numerous recordkeeping deficiencies); *In re Breig*, 157 N.J. 630 (1999) (reprimand for failure to promptly deliver funds to client and recordkeeping violations); and *In re Goldston*, 140 N.J. 272 (1995) (reprimand for lack of diligence, failure to safeguard client funds and recordkeeping violations).

In light of the foregoing, we unanimously determined that a reprimand is the appropriate discipline for respondent's transgressions. In addition, for a period of two years, respondent must submit quarterly reconciliations of his trust account to the OAE, certified by an accountant approved by that office. One member did not participate.

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

By: 
ROCKY D. PETERSON
Chair
Disciplinary Review Board

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

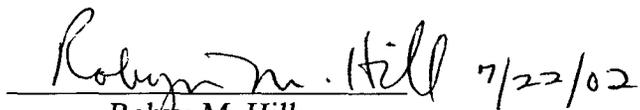
In the Matter of Gary T. Jodha
Docket No. DRB 02-100

Argued: May 16, 2002

Decided: June 24, 2002

Disposition: Reprimand

<i>Members</i>	<i>Disbar</i>	<i>Suspension</i>	<i>Reprimand</i>	<i>Admonition</i>	<i>Dismiss</i>	<i>Disqualified</i>	<i>Did not participate</i>
<i>Peterson</i>			X				
<i>Maudsley</i>			X				
<i>Boylan</i>							X
<i>Brody</i>			X				
<i>Lolla</i>			X				
<i>O'Shaughnessy</i>			X				
<i>Pashman</i>			X				
<i>Schwartz</i>			X				
<i>Wissinger</i>			X				
Total:			8				1


 Robyn M. Hill 7/22/02
 Chief Counsel