

SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
DOCKET NO. DRB 99-070

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IN THE MATTER OF :  
 :  
NEDUM C. EJOGU, :  
 :  
AN ATTORNEY AT LAW :  
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Decision

Argued: April 15, 1999

Decided: July 7, 1999

Robert J. Prihoda appeared on behalf of the Office of Attorney Ethics.

Respondent appeared pro se.

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

This matter was before the Board based on a disciplinary stipulation between respondent and the Office of Attorney Ethics (OAE), in which respondent admitted numerous recordkeeping infractions, in violation of R.1:21-6 and RPC 1.15(d).

Respondent was admitted to the New Jersey bar in 1992. He maintains an office for the practice of law in East Orange, Essex County. Respondent has no history of discipline.

In or about April 1998, the OAE was notified by the Broad National Bank of an

overdraft in respondent's attorney trust account. Thereafter, the OAE wrote to respondent requesting an explanation for the overdraft. Respondent supplied a satisfactory explanation. He stated, however, that he did not maintain client ledger cards. A select audit of respondents' attorney accounts was then conducted on July 15, 1998 by compliance auditor Mary Waldman. The audit, which covered the period from July 1, 1996 through June 30, 1998, revealed numerous recordkeeping deficiencies, in addition to respondent's failure to prepare contingent fee agreements or closing statements in personal injury cases.

The following specific deficiencies were found:

- a. A trust receipts book was not maintained [R.1:21-6(b)(1)].
- b. A trust disbursements book was not maintained [R.1:21-6(b)(1)].
- c. A separate ledger sheet was not maintained, detailing attorney funds held for bank charges [R.1:21-6(c)].
- d. A separate ledger sheet was not maintained for each trust client [R.1:21-6(B)(2)].
- e. A schedule of clients' ledger accounts was not prepared and reconciled quarterly to the trust account bank statement [R.1:21-6(b)].
- f. A running cash balance was not kept in the trust account checkbook [R.1:21-6(c)].
- g. Deposit slips lacked sufficient detail to identify each item of deposit [R.1:21-6(b)(1)].
- h. A business receipts book was not maintained [R.1:21-6(b)(1)].

- i. A business disbursements book was not maintained [R.1:21-6(b)(1)].
- j. Funds received for professional services were not deposited into the business account [R.1:21-6(a)(2)].

Respondent stipulated that his failure to comply with recordkeeping requirements violated R.1:21-6 and RPC 1.15(d) and that his failure to comply with contingency fee requirements violated R.1:21-7.

The OAE recommended that respondent receive only an admonition, in light of the fact that he was a newly admitted attorney, with limited legal experience and a not very active practice.

Respondent submitted a letter to Robert Prihoda, Chief Auditor for the OAE's Random Audit Program, dated February 2, 1999. In his letter, respondent acknowledged his recordkeeping violations, but stated that "some of the citations were exaggerated."

Seemingly by way of explanation or mitigation for his derelictions, respondent stated that his practice focuses on immigration law, rather than personal injury matters. He added that he had handled only five cases during the two-year period covered by the audit. Respondent also cited the steps he has taken to bring his records into compliance with the rule requirements:

1. An accountant was hired to review his books and make recommendations to comply with attorney ethics rules.
2. Retainer/contingency fee agreements are now maintained for every file.
3. All deposit slips and checks reflect the transactions in sufficient detail.
4. One-write checks for disbursements on trust and business account are used.

5. A running balance to both the trust and business account is maintained.
6. Disbursement sheets for each client after personal injury case settlement are maintained.
7. Every legal fee [including small cash consultation fees] is deposited to the business account.
8. The office secretary has been guided by the accountant on recordkeeping methods.

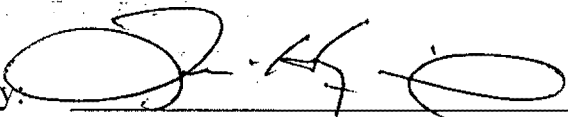
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Upon a de novo review of the record, the Board is satisfied that respondent's recordkeeping deficiencies violated R.1:21-6 and RPC 1.15(d). In addition, his failure to comply with contingency fee requirements violated R.1:21-7. Respondent, however, is a young attorney, with a limited practice, whose infractions stem from his ignorance of proper recordkeeping procedures, rather than sloth or sloppiness. In addition, respondent took steps to ensure that his records are currently in compliance with the rules. In light of these factors, a unanimous Board determined to impose an admonition. See, e.g., In re Rhodes, 143 N.J. 302 (1996)(admonition imposed where the attorney mistakenly deposited funds into his business account, rather than his trust account, resulting in his negligent invasion of client funds. The attorney was also guilty of recordkeeping violations) and In the Matter of Bette R. Grayson, Docket No. DRB 97-338 (May 27, 1998) (admonition imposed for recordkeeping violations that resulted in negligent misappropriation of client trust funds in eleven instances. Like the attorney in the within matter, Grayson cooperated with the OAE,

had no prior disciplinary infractions and took steps to bring her records into compliance with the rules). Here, only one matter was involved and no negligent misappropriation occurred, contrary to Grayson. Hence, an admonition is appropriate.

The Board further determined to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs.

Dated: 7/7/99

By:   
LEE M. HYMERLING  
CHAIR  
DISCIPLINARY REVIEW BOARD

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

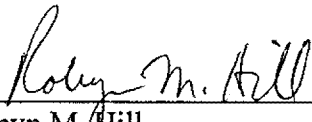
**In the Matter of Nedum C. Ejiogu**  
**Docket No. DRB 99-070**

**Argued: April 15, 1999**

**Decided: July 7, 1999**

**Disposition: Admonition**

Members	Disbar	Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hyerling				x			
Boylan							x
Brody				x			
Cole				x			
Lolla				x			
Maudsley				x			
Peterson				x			
Schwartz				x			
Thompson							x
<b>Total:</b>				<b>7</b>			<b>2</b>

  
Robyn M. Hill 7/14/99  
Chief Counsel