

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 01-199

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IN THE MATTER OF  
JACK S. EZON  
AN ATTORNEY AT LAW

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Decision

Argued: July 19, 2001

Decided: January 9, 2002

Ronald J. Troppoli appeared on behalf of the District IX Ethics Committee.

Anthony P. Ambrosio appeared on behalf of respondent.

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

This matter was originally before us on May 17, 2001 on a recommendation for an admonition by the District Ethics Committee ("DEC"), at which time we determined to bring it on for hearing.

The complaint charged respondent with a violation of RPC 5.5(b) (assisting a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law).<sup>1</sup>

Respondent was admitted to the New Jersey bar in 1996. He is also admitted in New York, where he maintains a law office. He also uses office space at his parents' residence in Deal, New Jersey.<sup>2</sup>

In January 1999, Ambar Abelar, Esq., the grievant, filed a civil complaint on behalf of his client, Jose F. Flores, against, among others, Ritmo Latino, Inc., a California corporation with principal offices located in Neptune, New Jersey.<sup>3</sup> By letter dated March 31, 1999, Steven S. Ezon, respondent's father, wrote to Abelar introducing himself as general counsel for Ritmo Latino, Inc. Steven Ezon was disbarred from the practice of law in New Jersey in 1987. In re Ezon, 106 N.J. 650 (1987) (consent to disbarment). Apparently, he is admitted to practice in New York. In that letter, Steven Ezon stated his client's position with respect to the complaint, in an effort to convince Abelar to have it withdrawn. The letter was signed "Steven S. Ezon, Esq., President, Merchants Adjustment

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<sup>1</sup> The complaint also charged Jeffrey S. Dweck with a similar violation. Following a hearing on the charge, the DEC recommended that Dweck be admonished for his conduct. We, however, determined to dismiss the charges against Dweck.

<sup>2</sup> It is not clear from the record that this office is used for law-related business.

<sup>3</sup> The record is unclear on whether Ritmo is a California or a New Jersey corporation.

Bureau." It did not cite the name of a law office, only "Merchants Adjustment Bureau" and the company's activities, listing a Deal, New Jersey address.

At the DEC hearing, Abelar testified that, after he received the letter, he had extensive discussions with Steven Ezon about the case. Steven Ezon asked Abelar to grant him an extension to answer the complaint. Abelar agreed. He then received a stipulation extending the time to answer, dated April 5, 1999, executed by respondent as the attorney for defendants Ritmo Latino, David Massry and Gary Canonico. The caption on the document listed "Jack S. Ezon, Esq. and Jeffrey S. Dweck, Esq." as the attorneys for the defendants, with an office address of 21 Queen Ann Drive, Deal, New Jersey 07723, Steven Ezon's home address. That caption was inaccurate. Respondent and Dweck were not law partners. In addition, respondent was not the defendants' attorney. He only signed the stipulation. Dweck was the attorney who represented the defendants in New Jersey.<sup>4</sup>

By letter dated April 6, 1999, Steven Ezon filed the stipulation with the clerk of the Superior Court of New Jersey, Monmouth County. The cover letter accompanying the stipulation was signed "Steven S. Ezon, Esq." The letter did not mention that Steven Ezon was a disbarred attorney in New Jersey. The letterhead, which was created by Steven Ezon for the specific purpose of mailing the stipulation, read "Law Offices of Ezon & Associates" and listed as its attorneys respondent and Jeffrey S. Dweck. "Steven S. Ezon, Esq." was

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<sup>4</sup> The details of when Dweck began representing the defendants, the extent of his involvement in the litigation and whether the defendants were aware that he had taken over their representation are not clear.

identified as "of counsel." The letterhead contained the 21 Queen Ann Drive, Deal, New Jersey address, as well as an address in New York City. Exhibit C-5. The letter to the court stated "[w]e are the attorneys for Ritmo Latino, Inc. . . . in the above entitled and numbered action." Because respondent did not testify at the DEC hearing, the record is silent about whether he knew about this letterhead or authorized its use.

According to Abelar, he did not receive any further correspondence from respondent and never spoke to him about the case. Abelar met Dweck at a deposition of one of the defendants. As noted earlier, the record does not reveal the date that Dweck became involved in the case. Abelar stated that he never had any "substantial discussion" with Dweck about the case and that all of the significant discussions were with Steven Ezon. He did, however, receive a copy of a letter from Dweck to the court, adjourning the return date of the defendants' motion to dismiss, among other things. The letterhead used by Dweck stated "Law offices of Jeffrey S. Dweck, Esq." It listed the Deal, New Jersey address and a New York City address.

On July 15, 1999 the attorney for one of the co-defendants wrote to respondent and Abelar, informing them that his client was available for depositions on July 19, 1999. Exhibit C-7. On July 26, 1999 the same attorney sent a second letter to respondent and Abelar, confirming the depositions. Exhibit C-8. The record does not explain why the letters were sent to respondent instead of Dweck or Steven Ezon.

Depositions were held on July 29 and August 13, 1999. Only Steven Ezon was listed as "general counsel" under the caption "appearances" for the July 29, 1999 deposition. At the deposition, Abelar objected to Steven Ezon's "intervention in the case," but acknowledged that Steven Ezon was only "witnessing the procedure as general counsel for Ritmo Latino." As to the August 13, 1999 deposition, both Dweck and Steven Ezon were listed under the caption "appearances" for defendants Ritmo Latino, Massry and Canonico.

Abelar testified that he was concerned about Steven Ezon's appearance at the depositions, because Steven Ezon was not admitted to practice in New Jersey and Abelar was worried that he would be "objecting, obstructing or somehow intervening in the depositions without being authorized to do so." There is no evidence that Steven Ezon did so.

On October 12, 1999 Steven Ezon wrote to Abelar about a stipulation of dismissal in the New Jersey matter, mutual releases in the federal matter and a withdrawal of the ethics charges against respondent, stemming from Abelar's claim that respondent did not maintain a bona fide office in New Jersey. The letterhead read "Law Office of Steven S. Ezon, Esq.," and listed both New York and New Jersey addresses and a telephone and "fax" number with "888" area codes.

No further testimony was taken at the DEC hearing. Instead, the hearing panel chair stopped the hearing and asked to confer with counsel. Thereafter, several stipulations were entered into the record.

Respondent's attorney suggested that the matter should have been resolved through a diversionary program, under R.1:20-3(I)2(B). However, because that remedy was no longer available, respondent agreed to accept discipline by consent in the form of an admonition.<sup>5</sup> Respondent acknowledged that he had violated RPC 5.5(b), "in that he whether [sic] knowingly or unknowingly permitted an unlicensed attorney, in this case his father, to present himself as an attorney in New Jersey for a common client in New Jersey litigation." In mitigation, counsel for respondent argued that the unlicensed attorney was respondent's father and that respondent's role in the matter was limited to signing a stipulation and involving himself "in the litigation with Dweck and his father," an overly broad statement that does not specifically delineate the extent of respondent's participation in the matter.

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The DEC found that respondent permitted his father to use letterhead with the title "Law Offices of Ezon & Associates." Moreover, his father's name appeared "of counsel" on a cover letter to the clerk of the court, enclosing a stipulation extending the time to answer. The stipulation had been signed by respondent. The DEC found, as mitigation, that

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<sup>5</sup> The consent to an admonition at this stage of the proceeding was procedurally improper. Under R.1:20-10(b), if the parties timely consent to discipline, the matter shall be submitted to us by way of a motion to impose discipline, in accordance with R. 1:20-15(g). This matter, thus, is not before us as a motion for discipline by consent.

respondent assisted Steven Ezon because of their father/son relationship and that respondent's "role in the litigation was limited to executing the stipulation to extend the time to answer."

The DEC, thus, found violations of RPC 5.5(b) and R.1:20-20, because respondent permitted a disbarred New Jersey attorney to engage in conduct constituting the unlawful practice of law in New Jersey. The DEC recommended an admonition.

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Following a de novo review of the record, we are satisfied that the DEC's conclusion that respondent was guilty of unethical conduct is supported by clear and convincing evidence.

Respondent stipulated that he violated RPC 5.5(b) (assisting a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law). He executed the stipulation extending the time to answer. In the process, however, he misled the court and the other attorneys involved in the matter that he, too, represented the defendants. The caption in the stipulation listed both him and respondent as attorneys for the defendants, which was untrue.

Generally, discipline in cases involving a violation of RPC 5.5(b), with or without additional violations, has ranged from an admonition to a short-term suspension. See In the

Matter of Morris J. Kurzrok, Docket No. DRB 95-052 (April 5, 1995) (admonition where attorney improperly accepted tax appeal forms through an intermediary, a tax expert, permitted him to prepare appeal forms from a decision of the city tax board, then reviewed and signed the forms); In re Belmont, 158 N.J. 183 (1999) (reprimand where attorney charged an improper contingent fee in eight matters, deposited settlement checks in those matters in a Pennsylvania trust account, endorsed his clients' names on settlement checks in three matters, either with or without their authorizations, failed to maintain a bona fide office in New Jersey, assisted his partner in the unauthorized practice of law and failed to turn over a client's file upon termination of the representation); In re Gottesman, 126 N.J. 361 (1991) (public reprimand where attorney improperly divided a percentage of legal fees with a non-lawyer paralegal and also aided the unauthorized practice of law by allowing the paralegal to advise clients on the merits of claims and to exercise sole discretion in formulating offers of settlement, as well as in accepting or rejecting them); and In re Chulak, 152 N.J. 443 (1998) (three-month suspension where attorney permitted his name to appear on pre-printed checks with a non-lawyer, lied about his knowledge of the situation and allowed a non-attorney to prepare and sign pleadings in the attorney's name).

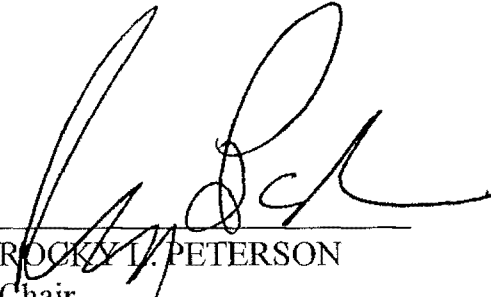
Here, although respondent's conduct was limited to one matter and he has no disciplinary history, he knowingly assisting a disbarred attorney to practice law. This is a serious ethics violation, particularly because of his disregard of the Supreme Court's order prohibiting the disbarred attorney from practicing and because of the danger that such



forbidden practice poses to the public. Conduct of this sort deserves to be met with a suspension. We have considered, however, that respondent's conduct occurred while assisting his father. For this reason alone, we unanimously determined to impose only a reprimand. Two members did not participate.

We also determined to refer to the Office of Attorney Ethics the issue of whether respondent and Jeffrey Dweck had a bona fide office in New Jersey.

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

By:   
ROCKY L. PETERSON  
Chair  
Disciplinary Review Board

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

In the Matter of Jack S. Ezon  
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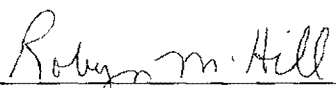
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Disposition: Reprimand

<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				
<b>Total:</b>			7				2

 1/10/02  
 Robyn M. Hill  
 Chief Counsel