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May 24, 2016

CERTIFIED MAIL, R.R.R. AND REGULAR MAIL

Clifford G. Stewart
535 Thirteenth Avenue
Newark, NJ 07103

Re: **In the Matter of Clifford G. Stewart**

Docket No. DRB 16-061

District Docket Nos. XIV-2015-0035E;

XIV-2015-0043E; and XIV-2015-0273E

LETTER OF ADMONITION

Dear Mr. Stewart:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition.

Specifically, on February 3, 2015, the Office of Attorney Ethics (OAE) docketed a grievance against you because of an overdraft in your attorney trust account. On February 12, 2015, the OAE docketed a second grievance after receiving notice of a second overdraft in that account. On June 11, 2015, the OAE docketed a third grievance after you paid disciplinary costs with an attorney trust account check.

The OAE's audit of these matters determined that the overdrafts and the payment of disciplinary costs from your attorney trust account did not impact any client funds because all of the funds in the account were your attorney's fees. However, the

following recordkeeping violations were found:

1. R. 1:21-6(a)(2) (failure to maintain a business account);
2. R. 1:21-6(c)(1)(A) (failure to maintain appropriate receipts and disbursements journals containing a record of all deposits in and withdrawals from trust and business accounts);
3. R. 1:21-6(c)(1)(B) (failure to maintain an appropriate ledger book, having at least one single page for each separate trust client, for all trust accounts, showing the source of all funds that are or were held, the amount of such funds, the description and amounts of charges or withdrawals from such accounts, and the names of all persons to whom such funds were disbursed);
4. R. 1:21-6(c)(1)(C) (failure to maintain copies of all retainer and compensation agreements with clients);
5. R. 1:21-6(c)(1)(D) (failure to maintain copies of all statements to clients showing the disbursements of funds to them or on their behalf);
6. R. 1:21-6(c)(1)(F) (failure to maintain copies of all records showing payments to attorneys for services rendered or performed);
7. R. 1:21-6(c)(1)(G) (failure to maintain originals of all checkbooks with running balances and check stubs, bank statements, pre-numbered cancelled checks and duplicate deposit slips);
8. R. 1:21-6(c)(1)(H) (failure to maintain copies of all records, showing that at least a monthly reconciliation has been made of the cash balance derived from the cash receipts

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and cash disbursement journal totals, the checkbook balance, the bank statement balance, and the client trust ledger sheet balances);

9. R. 1:21-6(c)(1)(I)(1) (failure to maintain copies of those portions of each client's case file reasonably necessary for a complete understanding of the financial transactions pertaining thereto);
10. R. 1:21-6(c)(1)(I)(2) (use of an ATM card to make cash withdrawals from attorney trust account); and
11. R. 1:21-6(d) (failure to maintain financial books and other records required by paragraphs (a) and (c) to be maintained in accordance with generally accepted accounting practice).

In imposing only an admonition, the Board considered both aggravating and mitigating factors. In aggravation, on April 22, 2014, you received an admonition for conduct that violated RPC 1.1(a) and RPC 1.3, for failing to oppose a motion filed against your client. In that matter, you also violated RPC 1.4(b) and (c) for failing to keep your client informed about various filing deadlines and about your difficulty in meeting those deadlines.

As a counterbalance to your disciplinary history and in mitigation, the Board considered that you readily admitted your wrongdoing and promptly and fully cooperated with the OAE. Further, your misconduct did not result in any harm to your clients and you have since taken remedial measures, correcting all of the identified recordkeeping violations.

Your conduct adversely reflected not only upon you as an attorney, but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into

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consideration.

The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded under separate cover.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/alc

c: Chief Justice Stuart Rabner
Associate Justices
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Disciplinary Review Board
Mark Neary, Clerk
Supreme Court of New Jersey
Gail G. Haney, Deputy Clerk
Supreme Court of New Jersey (w/ethics history)
Charles Centinaro, Director
Office of Attorney Ethics
Andrea R. Fonseca-Romen, Deputy Ethics Counsel
Office of Attorney Ethics