SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 17-161
District Docket No. XIV-2014-0670E

IN THE MATTER OF	
BARRY N. FRANK	
AN ATTORNEY AT LAW	

Decision

Decided: November 2, 2017

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

This matter was previously before us, at our November 2014 session, on a certification of default filed by the Office of Attorney Ethics (OAE), pursuant to R. 1:20-4(f). The three-count complaint charged respondent with failure to cooperate with disciplinary authorities (RPC 8.1(b)) (count one); gross neglect (RPC 1.1(a)), failure to memorialize the rate or basis of the fee (RPC 1.5(b)), failure to supervise nonlawyer assistants (RPC 5.3(b)), forming a partnership with a nonlawyer involving the practice of law (RPC 5.4(b)), assisting a person who is not a member of the bar in the unauthorized practice of law (RPC

5.5(a)(2)), making a false or misleading communication about the lawyer or the lawyer's services (RPC 7.1(a)(2)), using a firm letterhead that is misleading and that contains the name of a person who is not actively associated with the firm as an attorney (RPC 7.5(a) and (c)), and assisting another to violate the Rules of Professional Conduct (RPC 8.4(a)) (count two); and recordkeeping violations (RPC 1.15(d)) (count three).

In 2014, we granted respondent's motion to vacate the default. The matter now returns to us, unchanged, and again, by way of default. For the reasons set forth below, we determine to impose a one-year suspension.

Respondent was admitted to the New Jersey bar in 1977, to the New York bar in 1982, and to the District of Columbia bar in 1983. On September 16, 2014, he was temporarily suspended for failure to cooperate with the OAE's investigation of this matter. In re Frank, 219 N.J. 250 (2014).

On November 2, 2016, the Court censured respondent for failing to cooperate with disciplinary authorities during the investigation of five ethics grievances. The Court temporarily suspended respondent, again, pending his cooperation with the investigations and his compliance with the Court's 2014 Order for

temporary suspension. In re Frank, 227 N.J. 57 (2016). He remains suspended to date.

Service of process was proper in this matter. On November 24, 2014, we remanded the matter and directed respondent to file a verified answer to the complaint no later than December 11, 2014. After the OAE re-docketed the matter following our remand, respondent submitted, on December 24, 2014, a non-conforming, verified answer to the complaint.

On January 24, 2015, the OAE notified respondent that his answer did not conform to the requirements of R. 1:20-4(e), and directed him to file a conforming, verified answer to the complaint by February 13, 2015. Several days later, on February 19, 2015, the OAE received respondent's conforming, verified answer.

On February 24, 2016, the Hearing Panel Chair (HPC) notified the OAE and respondent that the hearing in this matter would take place on April 18, 2016. On the same day, the matter was reassigned to a different attorney at the OAE who, by letter dated February 26, 2016, notified the HPC and respondent that, due to the reassignment of the matter, the hearing date might need to be adjourned and that a new pre-hearing conference would need to take place.

After numerous unsuccessful attempts, the OAE finally made contact with respondent via telephone on March 29, 2016, to schedule a new date for a pre-hearing conference. Respondent informed the OAE that he was presently in the hospital, and that he expected to remain there for the near future. Therefore, he explained, he was unavailable to participate in a conference until the end of the following week, at the earliest. The OAE presenter asked respondent to contact her as soon as he was able to participate in a pre-hearing conference. Respondent also confirmed that correspondence should be mailed to his home address. Also on March 29, 2016, the OAE presenter sent a letter to the panel chair and respondent memorializing her telephone conversation with respondent. Respondent failed to contact the OAE regarding his ability to participate in a new pre-hearing conference.

By letter dated April 19, 2016, a new hearing panel and chair were appointed. Several months later, on August 9, 2016, in a letter to the new HPC and respondent, the OAE requested a pre-hearing conference. Via a September 21, 2016 letter, a pre-hearing conference was scheduled for November 15, 2016. That letter also provided the telephone number and access code for the conference.

The HPC also notified the parties that the hearing had been rescheduled for January 10, 11, and 12, 2017.

On November 4, 2016, pursuant to R. 1:20-5(b)(2)-(3), the OAE served respondent with its pre-hearing memorandum, via certified mail return receipt requested and regular mail. The certified mail was returned as unclaimed; however, the regular mail was not returned.

In its pre-hearing memo, the OAE cautioned that, if respondent failed to participate in the conference, the OAE would apply for suppression of his answer, pursuant to R. 1:20-5(c), and for the matter to proceed directly to us, pursuant to R. 1:20-6(c)(1). Respondent failed to participate in the November 15, 2016 telephonic pre-hearing conference, as required, despite timely notice. Thus, during that conference, the OAE moved to suppress respondent's answer for his failure to participate.

On November 18, 2016, the HPC notified the parties that a second telephonic pre-hearing conference was scheduled for November 30, 2016, and warned respondent that, if he again failed to appear, the panel would consider the OAE's application to suppress his answer and to certify the record to us for the imposition of discipline. On November 30, 2016, respondent failed

to appear. The OAE again moved to suppress respondent's answer to the complaint.

On December 19, 2016, the HPC issued a case management order granting the OAE's motion, suppressing respondent's answer to the complaint pursuant to R. 1:20-5(c), and permitting the matter to proceed directly to us, pursuant to R. 1:20-6(c)(1).

Count One

The facts alleged in the complaint are as follows.

Marie-Ann Greenberg, a Chapter 13 Bankruptcy Standing Trustee, filed a grievance against respondent, alleging that he allowed a nonlawyer, Moshe Abraham, to engage in the unauthorized practice of law; that respondent's firm name contained the name of a nonlawyer; and that respondent filed incomplete and inaccurate bankruptcy documents on behalf of three clients. By letter dated June 6, 2012, the OAE requested respondent to provide a written reply to the grievance and to provide the files of clients Ricardo Carrillo, Eloy Tapia, and Hilda Jimenez, within ten days.

On July 5, 2012, respondent submitted a written reply to the grievance, but failed to produce the client files. By letters dated July 23 and August 8, 2012, the OAE again requested that

respondent provide the files. Again, respondent did not comply with the OAE's request.

On August 21, 2012, the OAE wrote to respondent, requesting the name of the programmer who had designed his website, correspondence relevant to changes made to all of his filings with the bankruptcy court, and information regarding Abraham. Respondent failed to provide any information requested in that letter.

On September 5, 2012, the OAE notified respondent of a demand audit scheduled for October 15, 2012, and again requested the client files of Carrillo, Tapia, and Jimenez. The OAE also requested that respondent provide all books and records for his attorney trust account and business account, required to be maintained in accordance with R. 1:21-6, and to provide three-way reconciliations for his attorney trust account(s) from January 2010 to date. Respondent failed to appear for the demand audit, but called soon thereafter to request an adjournment, which was granted.

On October 24, 2012, the OAE rescheduled the demand audit for November 9, 2012. On the day of the audit, respondent requested a second adjournment, due to illness. He agreed to provide the

requested documents. The OAE granted respondent's request and rescheduled the demand audit to December 4, 2012.

On November 29, 2012, the OAE called respondent, reminding him of the upcoming demand audit and of the documents required to be provided. Respondent told the OAE that he was recovering from pneumonia and requested another adjournment of the audit. His request again was granted.

On December 11, 2012, the OAE rescheduled the demand audit for January 10, 2013, at respondent's office, and directed him to provide all outstanding information, including client files and attorney business and trust account information.

On January 10, 2013, the demand audit was held at respondent's office, in Fort Lee. A review of the Carrillo, Tapia, and Jimenez files revealed that they were incomplete. Further, respondent provided some bank records, but not all of the attorney trust and business account information. Hence, on January 23, 2013, the OAE scheduled a continuation of the demand audit for February 5, 2013. The OAE requested that respondent provide all outstanding records, including three-way reconciliations from January 2010 to date, trust account and business account statements, and all 1099s issued to Abraham.

On February 5, 2013, the continuation of the demand audit took place. Respondent failed to provide any of the requested documents. On February 14, 2013, the OAE demanded that respondent submit all outstanding requested information by March 7, 2013, or risk being charged with failure to cooperate and a potential temporary suspension. Having received no response, on June 17, 2013, the OAE filed a petition with the Court, seeking respondent's immediate temporary suspension for failure to cooperate with that office's investigation.

On July 10, 2013, the Court ordered respondent to submit to the OAE all documents and information requested, within sixty days of the filing date of the Order. Respondent failed to comply with that Order.

Over two months later, on September 13, 2013, respondent provided to the OAE bank statements from May 2011 through April 2013 for Wells Fargo account XXXX2441 and three-way reconciliations for the same period. Although respondent stated that Wells Fargo bank account XXXX2441 was his trust account, the account was not designated as such. The OAE directed respondent to make the necessary corrections. Respondent produced neither the

OAE trust account records with the proper designation nor the requested client ledger cards.

On September 20, 2013, the OAE scheduled another demand audit for October 1, 2013, and requested outstanding records, including client ledger cards to support the three-way reconciliations, cash receipts and disbursements journals for his trust and business accounts, and additional client files. On September 25, 2013, respondent requested an adjournment of the audit and an extension of time to provide the documents, which was granted.

On September 26, 2013, the OAE rescheduled the demand audit for October 16, 2013, and requested that respondent furnish all documents referenced in the OAE's September 20, 2013 letter. On October 16, 2013, respondent appeared for the demand audit, without the requested documents.

On October 18, 2013, the OAE scheduled a continuation of the demand audit for October 30, 2013 and requested that respondent bring certain files and documents. On October 30, 2013, respondent appeared for the demand audit, but failed to provide client ledger cards and three-way reconciliations. He also brought incomplete client files. At the demand audit, the OAE informed respondent that the audit would be continued to November 25, 2013, and

instructed him to call the OAE, on November 21, 2013, to confirm that he had the requested files, documents, and three-way reconciliations. He did not do so. He also failed to appear for the November 25, 2013 demand audit.

On December 11, 2013, the OAE filed a petition with the Court, seeking respondent's immediate temporary suspension. On January 14, 2014, the Court ordered respondent to comply with all outstanding requests from the OAE, within thirty days of the filing date of the Court's Order (January 15, 2014).

On February 19, 2014, the Court granted respondent's petition for an extension of time and ordered him to comply with all previous outstanding requests from the OAE on or before March 21, 2014. The Order provided that failure to do so would result in respondent's temporary suspension, upon the submission of a detailed certification by the OAE.

On March 27, 2014, the OAE provided a certification to the Court, detailing all of its fruitless efforts to obtain respondent's cooperation and compliance with the Court's Order. As stated above, respondent was temporarily suspended on September 16, 2014. Based on respondent's failures to cooperate with the

OAE's investigation, count one of the complaint charged a violation of RPC 8.1(b).

Count Two

In 2010, respondent hired Abraham as an office manager and paralegal. Abraham was a licensed attorney in Bolivia, South America. Respondent was aware that Abraham was not a licensed attorney in New Jersey or New York. Prior to January 2012, respondent's firm name was "Abraham, Frank & Associates, P.C." Abraham was listed on respondent's letterhead as "Manager."

On June 4, 2011, respondent's retainer agreements included Abraham in the name of the firm. On January 27, 2012, respondent advertised services that his firm, Abraham, Frank & Associates, performed. The advertisement stated that "Moshe Michael Abraham, Esq." was the firm's "Managing Director."

Beginning in January 2010, respondent was retained to represent Carrillo, Tapia, and Jimenez in their individual Chapter 13 bankruptcy proceedings. The Carrillo and Jimenez matters also involved loan modifications. In all three matters, respondent failed to set forth, in writing, the basis or rate of his fee. He also filed incomplete bankruptcy petitions.

Abraham and respondent together met with Jimenez and explained how the matter would proceed. Abraham also met with Carrillo in respondent's absence and explained to him how the matter would proceed. The Carrillo matter was dismissed as a result of the incomplete filing.

The complaint alleged that, with respondent's knowledge and consent, Abraham performed the functions of a lawyer in bankruptcy matters and loan modifications, including, but not limited to, interviewing clients; preparing and executing correspondence, pleadings, and bankruptcy filings in respondent's name; obtaining loan information on behalf of clients; negotiating with lenders on behalf of clients; explaining to clients their rights; obtaining clients' signatures on checks and bankruptcy filings; depositing checks and cash from clients into the trust account; and making disbursements from the trust account. The complaint further alleged that respondent violated RPC 7.1(a)(2) and RPC 7.5(a) and (c) by including Abraham's name as part of his firm name and on his letterhead, knowing that Abraham was not a New Jersey-licensed attorney.

Count Three

The OAE's January 10, 2013 demand audit of respondent's records revealed the following recordkeeping deficiencies:

a. Failure to perform monthly three-way trust account reconciliations, in violation of R. 1:21-6(c)(1)(H);

b. No running checkbook balance, in violation of R. 1:21-6(c)(1)(G);

c. No trust receipts journal, in violation of R. 1:21-6(c)(1)(A);

d. No trust disbursements journal, in violation of R. 1:21-6(c)(1)(A);

e. No client ledger cards, in violation of R. 1:21-6(c)(1)(B).

[C¶69].[1]

* * *

Respondent's verified answer was suppressed by the hearing panel chair's case management order for his failure to participate in two pre-hearing conferences, despite proper notice of the dates and times therefor. Hence, the suppression of respondent's answer is deemed an admission that the allegations of the complaint are true and that they provide a sufficient basis for the imposition

[1] "C" refers to the ethics complaint, dated May 20, 2014.

of discipline R. 1:20-4(f)(1). Notwithstanding that Rule, each charge in an ethics complaint must be supported by sufficient facts for us to determine that unethical conduct has occurred. The complaint alleges sufficient facts to support most of the charges of unethical conduct.

Respondent's failure to file complete and accurate bankruptcy schedules on behalf of Carrillo, Tapia, and Jimenez, on its own, does not necessarily constitute gross neglect. Allowing the Carrillo matter eventually to be dismissed for those incomplete filings, however, does constitute a violation of RPC 1.1(a). Respondent's failure to memorialize the rate or basis of his fee violated RPC 1.5(b). He also failed to comply with the recordkeeping requirements of R. 1:21-6, a violation of RPC 1.15(d).

Furthermore, respondent essentially entered into a law partnership with a nonlawyer, a violation of RPC 5.4(b), and assisted him in the unauthorized practice of law, a violation of RPC 5.5(a)(2). Some, but not all, of the activities listed in the complaint constitute the practice of law. Specifically, Abraham negotiated with lenders on behalf of clients and explained the

clients' rights to them. Respondent knew about Abraham's unauthorized practice of law and allowed it to continue.

Moreover, respondent included Abraham's name as part of his firm name and on his letterhead, knowing that Abraham was not a New Jersey-licensed attorney, a violation of RPC 7.1(a)(2), 7.5(a), and 7.5(c).

Finally, respondent failed to cooperate with the OAE by repeatedly appearing for demand audits without the requested information and then stringing the investigators along, providing only bits of the information requested just long enough to delay the investigation and then "disappearing" again. Over the course of fourteen months, the OAE granted respondent's request for an adjournment of his demand audit on four occasions. Other than an illness cited on one occasion, no other reasons for the requests were given. On the six occasions, over the course of fifteen months, that respondent either actually appeared for a demand audit or replied to an OAE letter, he failed to fully comply with the OAE's requests for documents, including bank records and client files. Indeed, because of respondent's repeated failures to comply with the OAE's requests, the OAE petitioned the Court three times for his temporary suspension from the practice of law. On the

first occasion, the Court granted respondent sixty days to comply with the OAE's demands. Notwithstanding the Court's indulgence, he failed to fully comply with that Order, prompting the OAE to file its second petition. In response to the second petition, the Court granted respondent another thirty days to comply with the demands. Respondent subsequently requested and was granted yet another thirty-day extension. Yet, respondent never complied with the Court's direction. Respondent's failure to cooperate with the OAE, especially in the context of its generous forbearance, is nothing less than inexcusable.

However, we dismiss the failure-to-supervise charge, as not supported by the facts alleged in the complaint. The complaint alleges that, with respondent's "knowledge and consent," Abraham performed the functions of a lawyer in bankruptcy matters and loan modifications. Based on this allegation, it is clear that respondent assisted a nonlawyer in the unauthorized practice of law, a violation of RPC 5.5(a)(2). Without more, however, the same facts cannot be used to establish that respondent failed to supervise that nonlawyer, when the nonlawyer seemingly was carrying out respondent's wishes, as evidenced by his "knowledge and consent." This misconduct was not the result of respondent's

failure to pay attention to the actions of a young lawyer in his charge, and leaving him to his own devices, for instance; but rather, it is the exact conduct respondent expected from that charge.[2]

There remains the issue of the quantum of discipline for respondent's violations of RPC 1.1(a), RPC 1.5(b), RPC 1.15(d), RPC 5.4(b), RPC 5.5(a)(2), RPC 7.1(a)(2), RPC 7.5(a) and (c), RPC 8.1(b), and RPC 8.4(a).

Several of respondent's violations, on their own, or with other non-serious violations, would result in either an admonition or a reprimand. For instance, conduct involving gross neglect and failure to memorialize the rate or basis of the fee, even when accompanied by other non-serious violations, typically results in an admonition. See, e.g., In the Matter of Alan D. Krauss, DRB 02-041 (May 23, 2002) (admonition for attorney who failed to prepare a written retainer agreement, grossly neglected a matter, lacked

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[2] In this regard, respondent's conduct is more appropriately categorized as a violation of RPC 5.3(c), which holds a lawyer responsible for the unethical conduct of his charge if the lawyer ordered or ratified the conduct. Respondent, however, was not charged with a violation of that subsection and we, therefore, make no finding in that regard. R. 1:20-4(b).

diligence in the representation of the client's interests, and failed to communicate with the client). Recordkeeping irregularities, too, usually lead to an admonition. See, e.g., In the Matter of Stephen Schnitzer, DRB 13-386 (March 26, 2014) (an audit conducted by the OAE revealed several recordkeeping deficiencies; the attorney also commingled personal and trust funds for many years; prior admonition for unrelated conduct).

Respondent, however, has a more serious set of violations that requires stronger discipline. When an attorney assists a nonlawyer in the unauthorized practice of law, the discipline ranges from a reprimand to a lengthy suspension, depending on the severity of the conduct and the presence of other violations or aggravating factors. See, e.g., In re Bevacqua, 174 N.J. 296 (2002) (reprimand for attorney who assigned an unlicensed lawyer to prepare a client for a deposition and to appear on the client's behalf; the attorney committed other violations, including gross neglect, pattern of neglect, and lack of diligence; multiple mitigating factors, including lack of disciplinary history, his own inexperience as an attorney, and conduct resulting from poor judgment, rather than venality); In re Ezor, 172 N.J. 235 (2002) (reprimand for attorney who knowingly assisted his father, a

disbarred New Jersey attorney, in presenting himself as an attorney in a New Jersey litigation); In re Gottesman, 126 N.J. 376 (1991) (reprimand imposed on attorney who aided in the unauthorized practice of law by allowing the paralegal to advise clients on the merits of claims and permitting the paralegal to exercise sole discretion in formulating settlement offers; he also shared legal fees with the paralegal); In re Gonzalez, 189 N.J. 203 (2007) (three-month suspension for an attorney who egregiously "surrendered every one of her responsibilities" to the office manager and bookkeeper by permitting the bookkeeper to use a signature stamp on trust account checks and the office manager/paralegal to interview clients, execute retainer agreements in the attorney's name, and prepare and execute pleadings and releases; the office manager/paralegal also attended depositions and appeared in municipal court on behalf of the attorney's clients, among other things; the attorney also compensated the office manager based on his work as "a lawyer;" once the attorney learned of the officer manager/paralegal's actions, she contacted the proper authorities and participated in an investigation that led to his arrest; no prior discipline); In re Chulak, 152 N.J. 553 (1998) (three-month suspension for attorney

who allowed a nonlawyer to prepare and sign pleadings in the attorney's name and to be designated as "Esq." on his attorney business account; the attorney then misrepresented to the court his knowledge of these facts); In re Cermack, 174 N.J. 560 (2003) (on motion for discipline by consent, attorney received a six-month suspension for entering into an agreement with a suspended lawyer that allowed him to continue to represent clients, although the attorney appeared as the attorney of record and handled court appearances; in some cases, the attorney took over the suspended lawyer's cases with the clients' consent and with the understanding that the cases would be returned to the suspended lawyer upon his reinstatement; no prior discipline); In re Carracino, 156 N.J. 477 (1998) (six-month suspension for attorney who entered into a law partnership agreement with a nonlawyer; the attorney also agreed to share fees with the nonlawyer, engaged in a conflict of interest, displayed gross neglect, failed to communicate with a client, and failed to cooperate with disciplinary authorities; prior admonition); In re Moeller, 177 N.J. 511 (2003) (one-year suspension for attorney who entered into an arrangement with a Texas corporation that marketed and sold living trusts to senior citizens; the attorney filed a certificate of incorporation in New

Jersey on behalf of the corporation, served as its registered agent, allowed his name to be used in its mailings, and was an integral part of its marketing campaign, which contained many misrepresentations; although the attorney was compensated by the corporation for reviewing the documents, he never consulted with the clients about his fee or obtained their consent to the arrangement; the attorney assisted the corporation in the unauthorized practice of law, misrepresented the amount of his fee, and charged an excessive fee); and In re Rubin, 150 N.J. 207 (1997) (one-year suspension in a default matter for attorney who assisted a nonlawyer in the unauthorized practice of law; the attorney also improperly divided fees without the client's consent, engaged in fee overreaching, violated the terms of an escrow agreement, and misrepresented to the clients both the purchase price of a house and the amount of his fee).

Respondent's conduct is similar to that of the attorney in Carracino, supra, 156 N.J. 477. In that case, after representing a nonlawyer client in a real estate transaction, Carracino formed a partnership with him for the purposes of general investment, real estate development, and fifty percent ownership interest in Carracino's law practice. The partnership agreement assigned the

nonlawyer an interest in the various fees payable to the partnership, including legal fees. Carracino was found guilty of entering into a law partnership with a nonlawyer, in addition to sharing legal fees with a nonlawyer, and entering into a business transaction with a client. Carracino also failed to cooperate with disciplinary authorities, when he failed to reply to the grievance.

In a concurrent matter, a default, Carracino was found guilty of gross neglect, failure to communicate with a client, and failure to cooperate with disciplinary authorities. For the totality of his conduct and his previous discipline, two admonitions and a reprimand, Carracino received a six-month suspension.

Like Carracino, respondent exhibited gross neglect, entered into a partnership with a nonlawyer, assisted that nonlawyer in the unauthorized practice of law, and failed to cooperate with disciplinary authorities. It is true that Carracino also failed to communicate with a client, engaged in a conflict of interest, and shared fees with a nonlawyer, but respondent committed other violations, not present in Carracino. He failed to memorialize the rate or basis of his fee in three matters and violated the recordkeeping rules. Although these two infractions are less serious than the additional ones found in Carracino, respondent's

failure to cooperate with the OAE and the Court was, and is, much more serious than Carracino's, who simply did not reply to the grievance.

Indeed, respondent's attitude toward the disciplinary officials who sought to review his attorney records for compliance was simply intolerable – again, especially in the context of the considerable forbearance exercised by the OAE.

On balance, thus, Carracino's and respondent's overall conduct were similar in nature and comparable in severity. Hence, the same discipline meted out in Carracino, a six-month suspension, is the starting point in assessing the appropriate quantum of discipline.

In our view, however, that discipline should be further enhanced. Respondent was given yet another bite of the apple when we granted his motion to vacate the default in 2014. Respondent began to cooperate soon thereafter by filing an answer to the complaint. His cooperation and participation waned shortly thereafter and, ultimately, ended. Hence, almost three years later, this matter is once again before us by way of default. Thus, we determine to further enhance the discipline to a one-year suspension. See In re Kivler, 193 N.J. 332, 342 (2008) (a

respondent's default operates as an aggravating factor, which is sufficient to permit a penalty that would otherwise be appropriate to be otherwise enhanced).

Finally, based on the record over the last several years, we are concerned that respondent may be suffering from some type of mental illness that affects his ability to practice law and cooperate in the disciplinary process. In his November 2014 motion to vacate the default, when this matter was first before us, respondent alluded to his depression. The current record also refers to respondent's stay in the hospital, but does not give an underlying reason for that stay. Yet, respondent has not addressed this issue, either by way of defense or mitigation. Prior to 2014, respondent had forty years at the bar without incident. Thereafter, ethics problems abruptly surfaced. The picture that emerges is that of a lawyer with a long, untarnished professional record who, for some reason, perhaps the depression that he briefly references, suddenly began to fall short of his professional obligations. While this offers little in the way of mitigation, it does justify requiring proof of fitness as a condition to reinstatement. We so determine.

Member Singer voted for a six-month suspension. Member Hoberman did not participate.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
Bonnie C. Frost, Chair

By: Ellen A. Brodsky
Ellen A. Brodsky
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Barry N. Frank
Docket No. DRB 17-161

Decided: November 2, 2017

Disposition: One-year suspension

Members	One-year Suspension	Six-month Suspension	Did not participate
Frost	X		
Baugh	X		
Boyer	X		
Clark	X		
Gallipoli	X		
Hoberman			X
Rivera	X		
Singer		X	
Zmirich	X		
Total:	7	1	1

Ellen A. Brodsky
Chief Counsel