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SUPREME COURT OF NEW JERSEY

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May 22, 2018

Mark Neary, Clerk
Supreme Court of New Jersey
P.O. Box 970
Trenton, New Jersey 08625-0962

Re: **In the Matter of Stephen F. Juman**
Docket No. DRB 18-082
District Docket No. VIII-2014-0029E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (admonition or such lesser discipline as the Board may determine) filed by the District VIII Ethics Committee (DEC), pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion. In the Board's view, no discipline should be imposed for respondent's violation of RPC 1.5(b) (failure to communicate to the client, in writing, the basis or rate of the fee).

Specifically, on September 5, 2013, respondent accepted a \$1,000 retainer from grievant, Lori Thompson, to represent her in a matrimonial matter. Respondent did not provide Thompson with a written fee agreement, as required by R. 5:3-5(a), a violation of RPC 1.5(b).

Conduct involving failure to prepare a written fee agreement, even if accompanied by other, non-serious ethics offenses, typically results in an admonition. See, e.g., In the Matter of John L. Conroy, Jr., DRB 15-248 (October 16, 2015) (attorney violated RPC 1.5(b) when he agreed to draft a will, living will,

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and power of attorney, and to process a disability claim, for a new client, but failed to provide the client with a writing setting forth the basis or rate of his fee; thereafter, the attorney was lax in keeping his client and the client's sister informed about the matter, which resulted in the client's filing the claim, a violation of RPC 1.3 and RPC 1.4(b); the attorney practiced law while administratively ineligible to do so for failure to submit the required IOLTA forms, a violation of RPC 5.5(a); finally, he failed to reply to the ethics investigator's three requests for information, a violation of RPC 8.1(b); the Board considered that, ultimately, the attorney had cooperated fully with the investigation by entering into a disciplinary stipulation, that he agreed to return the entire \$2,500 fee to help compensate the client for lost retroactive benefits, and that he had an otherwise unblemished record in his forty years at the bar).

Here, the stipulation is devoid of any information regarding the representation other than that respondent took a \$1,000 fee, but provided no written agreement.

In mitigation, the Board considered that respondent was an attorney in New Jersey for forty-eight years before retiring in 2015. Although he received a private reprimand, that discipline was issued thirty years ago, when respondent had already been an attorney for twenty-one years. After that private reprimand, respondent practiced for another twenty-seven years without incident. Essentially, respondent has had two full, otherwise unblemished, legal careers, that serve as bookends to one minor bump in the road. Moreover, he cooperated with the investigation in this matter, and readily admitted his misconduct by entering into a consent to discipline.

Therefore, on balance, this mitigation, coupled with the fact that respondent has been retired for over three years, supports a finding that the public interest is fully protected without the need to discipline respondent. Hence, the Board determined that respondent's misconduct was de minimis and no discipline is warranted.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated October 26, 2017.

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2. Stipulation of discipline by consent, dated November 28, 2017.
3. Affidavit of consent, dated October 17, 2017.
4. Ethics history, dated May 22, 2018.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/tj

Enclosures

c: (w/o enclosures)

Bonnie C. Frost, Chair

Disciplinary Review Board (e-mail)

Howard Duff, Chair

District VIII Ethics Committee (e-mail)

Phillip Nettel, Vice Chair

District VIII Ethics Committee (e-mail)

Barry J. Muller, Secretary

District VIII Ethics Committee (e-mail and regular mail)

Isabel K. McGinty, Statewide Ethics Coordinator

Office of Attorney Ethics (e-mail)

William S. Wolfson, Esq., Respondent's Counsel (e-mail and regular mail)

Lori Thompson, Grievant (regular mail)