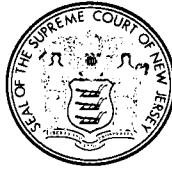


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OF THE  
SUPREME COURT OF NEW JERSEY**

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ASSISTANT COUNSEL

March 29, 2019

**VIA CERTIFIED MAIL, R.R.R. & REGULAR MAIL**

John C. Miller, III, Esq.  
c/o Fredric L. Shenkman, Esq.  
Cooper Levenson, P.A.  
1125 Atlantic Ave., 3<sup>rd</sup> Floor  
Atlantic City, New Jersey 08401

**Re: In the Matter of John C. Miller, III**  
Docket No. 19-002  
District Docket No. XIV-2016-0387E  
**LETTER OF ADMONITION**

Dear Mr. Miller:

The Disciplinary Review Board has reviewed the motion for discipline by consent (admonition) filed by the Office of Attorney Ethics (OAE) in the above matter, pursuant to R. 1:20-10. Following a review of the record, the Board determined to grant the motion and to impose an admonition for your violation of RPC 1.15(a) and (d).

Specifically, as the sole owner and managing partner of Mattleman, Weinroth and Miller, you were responsible for ensuring that the firm complied with R. 1:21-6 (recordkeeping). An overdraft occurred in one of the firm's trust accounts as a result of automatic charging and debiting of merchant fees from credit card companies. Although attorney fees remained in the trust account to cover those anticipated fees, the failure to perform monthly reconciliations of the trust account prevented the discovery of the insufficiency of firm funds to satisfy the automatic debiting of service fees.

The overdraft in the trust account resulted in the negligent misappropriation of client funds. The ensuing OAE demand audit revealed that, at the time of the May 31, 2016 overdraft, 113 clients were impacted by the shortage; that you commingled funds; and that you failed to perform monthly reconciliations of the trust account as R. 1:21-6 requires. As a result, your conduct was unethical and violated RPC 1.15(a) and (d).

**I/M/O John C. Miller, III, DRB 19-002**

March 29, 2019

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In imposing only an admonition, the Board considered, in mitigation: (1) your lack of an ethics history in thirty-two years at the bar; (2) your full cooperation with the OAE; (3) the remedial measure you undertook by restructuring your accounts to eliminate automatic debits from the trust account; (4) the replenishment of the funds; (5) your ready admission of wrongdoing; (6) the lack of harm to clients; (7) your expression of contrition and remorse; (8) the unlikelihood of a recurrence because automatic debits are now made against the business account; and (9) your personal oversight of monthly three-way reconciliations.

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, this admonition will be taken into 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/jm

c: Chief Justice Stuart Rabner  
Associate Justices  
Heather Joy Baker, Clerk  
Supreme Court of New Jersey  
Bonnie C. Frost, Chair  
Disciplinary Review Board (e-mail)  
Gail G. Haney, Deputy Clerk  
Supreme Court of New Jersey (w/ethics history)  
Charles Centinaro, Director  
Office of Attorney Ethics (interoffice mail and e-mail)