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SUPREME COURT OF NEW JERSEY

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June 3, 2019

Heather Joy Baker, Clerk
Supreme Court of New Jersey
P.O. Box 970
Trenton, New Jersey 08625-0962

Re: **In the Matter of Sharon Pratico Bucci**
Docket No. DRB 19-112
District Docket No. XIV-2017-0393E

Dear Ms. Baker:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board shall deem warranted) filed by the Office of Attorney Ethics (OAE), 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, a reprimand is the appropriate quantum of discipline for respondent's violations of RPC 1.15(a) (commingling personal and client funds; failure to safeguard funds) and RPC 1.15(d) (failure to comply with the recordkeeping requirements of R. 1:21-6).

Specifically, the parties stipulated that the trust account contained negative balances, (R. 1:21-6(d)); inactive balances (R. 1:21-6(d)); and unidentified funds (R. 1:21-6(d)). Further, monthly trust bank reconciliations with client ledgers, journal, and checkbook were not performed (R. 1:21-6(c)(1)(H)); funds held for a special needs trust were improperly deposited and maintained in the trust account (R. 1:21-6(c)(1)(H)); and individual client ledger cards were not maintained for clients (R. 1:21-6(c)(1)(H)).

In respect of respondent's business account, the parties stipulated that the statements, checks, and deposit slips were designated "Business Account" instead of "Attorney Business Account," "Attorney Professional Account," or "Attorney Operating Account," as R. 1:21-6(a)(2) requires. In addition, there were six imaged processed checks per page, rather than two, as R. 1:21-6(b) requires.

Respondent's stipulated failure to comply with the above recordkeeping requirements constituted a violation of RPC 1.15(d). Further, the negative client balances in the trust account,

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which were uncovered during a random audit, resulted from respondent's failure to correctly record deposits and disbursements in those client matters and were improperly offset by commingled attorney's fees, in violation of RPC 1.15(a).

Respondent promptly corrected the remaining recordkeeping violations. The inactive balances and the majority of the unidentified funds were disbursed, with the remainder having been deposited with the Superior Court Trust Fund.

Consistent with case law involving commingling, negligent misappropriation, and recordkeeping violations, the Board determined to impose a reprimand for respondent's violation of RPC 1.15(a) and (d). See, e.g., In re Christoffersen, 220 N.J. 2 (2014) (attorney negligently misappropriated funds designated for the satisfaction of a lien, failed to segregate funds that were subject to a dispute between the lawyer and his clients, commingled personal and trust funds, and failed to comply with recordkeeping requirements; violations of RPC 1.15(a), (c), and (d)); In re Wecht, 217 N.J. 619 (2014) (attorney's inadequate records caused him to negligently misappropriate trust funds, violations of RPC 1.15(a) and RPC 1.15(d)); and In re Fox, 202 N.J. 136 (2010) (attorney ran afoul of the recordkeeping rules, causing the negligent misappropriation of client funds on three occasions; the attorney also commingled personal and trust funds).

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated March 21, 2019.
2. Stipulation of discipline by consent, dated March 19, 2019.
3. Affidavit of consent, dated March 14, 2019.
4. Ethics history, dated June 3, 2019.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/jm

Encls.

- c: (w/o enclosures)
Bruce W. Clark, Chair
Disciplinary Review Board (e-mail)
Charles Centinaro, Director
Office of Attorney Ethics (e-mail and interoffice mail)
Robert Ramsey, Counsel for Respondent (e-mail and regular mail)