

Supreme Court of New Jersey
Disciplinary Review Board
Docket No. DRB 19-037
District Docket No. XIV-2018-0344E

In the Matter of
Jeffrey L. Perlman
An Attorney at Law

Decision

Argued: April 18, 2019

Decided: September 23, 2019

Amanda Figland appeared on behalf of the Office of Attorney Ethics.

Howard Z. Kanowitz appeared on behalf of respondent.

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

This matter was before us on a motion for reciprocal discipline filed by the Office of Attorney Ethics (OAE), following respondent's eighteen-month suspension in Pennsylvania, for his violation of the Pennsylvania equivalent of New Jersey RPC 1.3 (lack of diligence); RPC 1.4(b) (failure to keep the client

reasonably informed of the status of the matter); RPC 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation); RPC 1.16(a)(1) (failure to withdraw from the representation when continued representation will violate the RPCs); RPC 1.16(c) (failure to comply with applicable law requiring notice to or permission of a tribunal when terminating a representation); RPC 8.1(b) (failure to cooperate with disciplinary authorities); RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and RPC 8.4(d) (conduct prejudicial to the administration of justice).

For the reasons set forth below, we determine to grant the motion for reciprocal discipline and impose a one-year suspension to run concurrently with a prior one-year suspension that took effect on August 3, 2018, also by way of motion for reciprocal discipline.

Respondent was admitted to the Pennsylvania bar in 1983 and the New Jersey bar in 1984. He has been administratively ineligible to practice law in New Jersey since September 12, 2016 for his failure to pay the annual assessment to the New Jersey Lawyers' Fund for Client Protection (the Fund).

On July 9, 2018, respondent received a one-year suspension, effective August 3, 2018, for gross neglect in one client matter; pattern of neglect; lack

of diligence in ten matters; failure to communicate with the client and failure to explain the matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in ten matters; commingling in one matter; failure to promptly notify a client or third party of receipt of funds or property, and to deliver the funds or property in nine matters; failure to protect the clients' interests upon termination of representation in two matters; failure to expedite litigation in one matter; making a false statement of material fact or law to a third person in one matter; conduct involving dishonesty, fraud, deceit or misrepresentation in three matters; and conduct prejudicial to the administration of justice in four matters. In re Perlman, 234 N.J. 77 (2018).

On April 23, 2018, the Pennsylvania Office of Disciplinary Counsel (ODC) filed a Joint Petition in Support of Discipline on Consent. Respondent stipulated to the factual allegations and consented to an eighteen-month suspension, the recommended discipline. The petition addressed respondent's mishandling of seven plaintiffs' personal injury lawsuits, primarily in 2015 and 2016.

This time period overlaps with the period of misconduct in respondent's previous disciplinary matter. There, respondent stipulated to misconduct that primarily occurred between 2013 and 2016. Also in that previous matter,

respondent submitted a medical report explaining that he suffered from major depression, generalized anxiety disorder, and persistent complex bereavement disorder with underlying dependent personality features. Further, his mother died in 2013, which "coincide[d] generally with the time period the misconduct began." Respondent's mental health issues were considered in mitigation

In the matter now before us, the ODC characterized respondent's misconduct as "a pattern of neglect and lack of communication." The details of the misconduct follow.

The Alice S. Aikens Matter

On May 11, 2010, Alice S. Aikens sustained injuries in a motor vehicle accident and retained respondent to represent her in a personal injury matter. On May 1, 2012, respondent filed suit on behalf of Aikens in the Philadelphia Court of Common Pleas. Soon thereafter, respondent secured a \$15,000 settlement for Aikens. In an August 22, 2013 letter to respondent, defense counsel confirmed the details of the settlement, and enclosed a release and a Medicare form for Aikens to sign. Aikens met with respondent at his office and signed both documents. By letters sent one year and two years later, dated September 24, 2014 and December 17, 2015, respectively, defense counsel reminded

respondent to return the signed release. Although respondent possessed the signed forms, he failed to return them to defense counsel to complete the settlement. Respondent stipulated that this conduct violated Pa. RPC 1.3.

The Robert L. Sizer and Yvette Thompson Matter

On August 10, 2013, Robert L. Sizer and his daughter, Yvette Thompson, sustained injuries in an automobile accident and retained respondent in a personal injury matter. Two years later, on August 10, 2015, respondent filed a Praecipe to Issue Writ of Summons in the Philadelphia Court of Common Pleas on behalf of Sizer and Thompson. The court scheduled the matter for an arbitration, which was continued to June 9, 2016, at respondent's request. He failed to notify Sizer and Thompson of the date, time, or location of the arbitration hearing. Neither respondent nor his clients appeared for the arbitration hearing; consequently, the matter was returned to the Philadelphia Court of Common Pleas. On June 13, 2016, the court entered an order of non pros, dismissing the lawsuit. Respondent received notice of the order, but failed to inform his clients of the dismissal of their lawsuit. Subsequently, Sizer made efforts "from time to time" to call respondent and to visit his office to discuss

the status of his case. Respondent failed to return his calls and was never in his office when Sizer appeared there.

Respondent stipulated that he violated Pa. RPC 1.3, Pa. RPC 1.4(a)(3), Pa. RPC 1.4(a)(4), and Pa. RPC 1.4(b).

The Keith L. Wilkins Matter

On March 9, 2015, Keith Wilkins sustained injuries in an automobile accident and retained respondent in a personal injury matter. In July 2016, Wilkins went to respondent's office to discuss his case. Because respondent was not in his office at the time, Wilkins left a message asking respondent to call him, to no avail. On October 5, 2016, respondent was temporarily suspended in Pennsylvania. On November 4, 2016, he was suspended in Pennsylvania for eighteen months, retroactive to October 5, 2016. Respondent failed to inform Wilkins of either suspension or of Wilkins' need to retain new legal counsel. From July 2016 through December 2016, Wilkins called respondent seeking updates about his case. Despite receiving Wilkins' messages, respondent did not return the calls.

Respondent stipulated that he violated Pa. RPC 1.3, Pa. RPC 1.4(a)(3), Pa. RPC 1.4(a)(4), and Pa. RPC 1.4(b), and failed to comply with Pa.R.D.E. 203(b)(3) and Pa.R.D.E. 217(b).¹

The Jerry Mendez and Yemarie Feliciano Matters

On May 31, 2011, Jerry Mendez and his wife, Yemarie Feliciano, suffered injuries in an automobile accident and retained respondent in a personal injury matter. On May 14, 2013, respondent filed a Praecipe to Issue Writ of Summons in the Philadelphia Court of Common Pleas on their behalf. On June 18, 2013, defense counsel filed a Praecipe and Rule to compel plaintiffs to file a complaint within twenty days. Respondent received the Rule, but did not file a complaint or otherwise respond.

On August 22, 2013, defense counsel filed a Praecipe for Entry of Judgment of Non Pros and, that same day, the Prothonotary entered a judgment of non pros against Mendez and Feliciano. On October 2, 2013, the judgment was withdrawn. On November 20, 2013, however, defense counsel filed a second Praecipe and Rule to compel plaintiffs to file a complaint within twenty

¹ "Pa. R.D.E." refers to the Pennsylvania Rules of Disciplinary Enforcement.

days. Respondent received the Rule but, again, did not file a complaint, prompting defense counsel to file a Praecipe for Entry of Judgment of Non Pros. On January 7, 2014, the Prothonotary entered a judgment of non pros. Respondent failed to seek the withdrawal of the second judgment, to inform his clients that their lawsuit had been dismissed, or to advise them of their legal options.

Both Mendez and Feliciano left messages for respondent, seeking information about the status of their matter. Respondent failed to return their phone calls or provide status updates.

Respondent stipulated that he violated Pa. RPC 1.3, Pa. RPC 1.4(a)(3), Pa. RPC 1.4(a)(4), and Pa. RPC 1.4(b).

The Robert E. Thompson Matter

On May 25, 2011, Robert E. Thompson sustained injuries in a trip and fall accident, and retained respondent in a personal injury matter. On May 6, 2013, respondent filed a Praecipe to Issue Writ of Summons in the Philadelphia Court of Common Pleas, and on September 12, 2013, filed a complaint on behalf of Thompson. On December 12, 2013, the court granted defense counsel's motion to compel plaintiff to answer interrogatories and produce documents, and

directed Thompson to respond to discovery requests within twenty days or risk the imposition of sanctions. Respondent received the court's order, but neither informed Thompson of its entry nor responded to discovery requests.

Defense counsel then filed a motion for sanctions against Thompson. Respondent agreed to the entry of an order granting that motion. On January 30, 2014, the court ordered Thompson to pay \$397.68 for attorneys' fees and costs incurred in filing the sanctions motion, and to respond to all written discovery within twenty days or risk the imposition of further sanctions. The order cautioned that Thompson could incur additional sanctions if he failed to comply with its terms. Respondent failed to inform Thompson about the order.

On April 1, and May 12, 2014, Thompson met with respondent at his office. Respondent assured Thompson that he would complete his case within forty-five days. Thompson paid respondent \$40. Thereafter, counsel for the defendants filed a motion to compel Thompson to attend a deposition. On May 29, 2014, the court granted the motion and ordered Thompson to appear for a deposition on June 3, 2014, at the office of defense counsel. Respondent received the order, but did not inform Thompson, who failed to appear for the deposition or to submit written discovery.

Counsel for the defendants filed a second motion for sanctions and again, respondent consented to entry of an order granting the motion. On June 19, 2014, the court ordered Thompson to respond to all written discovery within ten days; appear for a deposition on July 1, 2014, at defense counsel's offices; and pay \$397.68 to defense counsel, representing attorneys' fees and costs incurred in filing a second sanctions motion. Again, the order provided that Thompson could incur additional sanctions if he failed to comply. Respondent received the June 19, 2014 order, but failed to inform Thompson.

After several continuances, an arbitration hearing was scheduled for September 29, 2014. Prior to the arbitration, respondent and defense counsel settled the Thompson lawsuit for \$8,250.² Thereafter, they notified the court and the matter was discontinued. On September 26, 2014, defense counsel faxed a letter and release to respondent, who failed to notify Thompson, or to arrange for Thompson to sign the release. On November 21, 2014, defense counsel sent a follow-up fax and e-mail to respondent, reminding him that the release had not been signed or returned. Counsel threatened to file a motion to deposit settlement funds with the court if the signed release were not received by

² The record does not reveal whether Thompson agreed to this settlement.

November 26, 2014. Respondent received this letter, but failed to contact Thompson.

On February 16, 2015, defense counsel filed a motion to enforce the settlement. Respondent failed to reply to the motion or notify Thompson. On April 9, 2015, the court granted the motion, and directed Thompson to forward the executed release to defense counsel within thirty days. Respondent received the order, but failed to advise Thompson.

On May 22, 2015, defense counsel filed a petition to allow the defendants to pay settlement funds into court. Respondent did not reply or inform Thompson. On June 3, 2015, the court granted the motion, permitting the defendants to deposit \$8,250 with the Clerk of the Civil Division, Office of Judicial Records, to be held in escrow pending further order. Respondent received the order, but still failed to inform Thompson. On June 12, 2015, Thompson met respondent at his office and signed the release. Respondent apparently failed to deliver the signed release because, on July 20, 2015, defense counsel deposited \$8,250 with the Office of Judicial Records. Respondent took no action to obtain the settlement funds on behalf of Thompson.

Finally, respondent failed to inform Thompson of his October 5 and November 4, 2016 suspensions or to advise Thompson to seek new counsel.

Respondent stipulated that he violated Pa. RPC 1.3, Pa. RPC 1.4(a)(3), Pa. RPC 1.4(a)(4), Pa. RPC 1.4(b), and failed to comply with Pa.R.D.E. 203(b)(3) and Pa.R.D.E. 217(b).

The Alonzo Brown and Dorothy Broadus Matter

On May 26, 2011, Alonzo Brown and his wife, Dorothy Broadus, were injured in an automobile accident, and retained respondent to represent them in a personal injury matter. On October 2, 2013, respondent filed a complaint on behalf of Brown and Broadus.

The defendants filed a motion to compel Brown and Broadus to provide discovery. On November 21, 2013, the court ordered Brown and Broadus to provide discovery within twenty days or risk the imposition of sanctions. Respondent received both the motion and the order, but failed to notify his clients, or otherwise comply with the order.

On February 25, 2014, the court granted a motion for sanctions that defendants had filed. The court ordered Brown and Broadus to pay \$60 to defense counsel as fees for the motion, and to provide discovery within twenty days or risk further sanctions. Respondent received both the motion and the order, but failed to notify his clients or to comply with the order.

On March 10, 2014, defense counsel filed a second motion for sanctions and a motion to compel plaintiffs to attend depositions. On March 27, 2014, the court granted the second motion for sanctions, ordered Brown and Broadus to pay \$500 to defense counsel as counsel fees for the motion, precluded them from offering testimony or evidence at arbitration or trial, and required them to appear for a deposition on April 15, 2014, at defense counsel's office, or risk entry of further sanctions. Respondent received the motion and the orders, but failed to notify his clients.

On April 11, 2014, counsel for a third party in the matter filed a motion to compel plaintiffs to attend depositions. Respondent received this motion but failed to discuss it with his clients. On April 24, 2014, the court ordered plaintiffs to appear for depositions on May 14, 2014, or risk further sanctions.³

On June 13, 2014, respondent was granted a continuance of the arbitration hearing, to August 22, 2014, but failed to notify his clients of the date, time, or location of the arbitration hearing. Because neither respondent nor his clients appeared at the hearing, the case was transferred to the Philadelphia Court of

³ The record does not indicate whether the plaintiffs appeared for depositions on May 14, 2014.

Common Pleas. On August 22, 2014, the court entered a judgment of non pros. Respondent failed to notify Brown and Broadus of the dismissal.

From August 2014 to April 2016, Brown and Broadus had called respondent inquiring about the status of their matter. When respondent took their phone calls, he misrepresented to them that their matter was progressing. After April 2016, Brown and Broadus continued to leave messages for him, to no avail.

Respondent stipulated that he violated Pa. RPC 1.3, Pa. RPC 1.4(a)(3), Pa. RPC 1.4(a)(4), Pa. RPC 1.4(b), Pa. RPC 8.4(c), and Pa. RPC 8.4(d).

The Richard J. Mennies Matter

In January 2013, Mandy Sokol-Przybyla sustained injuries from an automobile accident, and retained respondent in a personal injury matter. On January 7, 2015, respondent filed a Praecipe to Issue Writ of Summons in the Philadelphia Court of Common Pleas. Richard J. Mennies, Esq., entered an appearance on behalf of defendants and the matter was scheduled for an arbitration hearing on October 1, 2015.

On September 30, 2015, Mennies offered, and respondent accepted, \$1,000 to settle the matter. The record does not indicate whether respondent had

his client's authority to accept the offer on her behalf. On October 2, 2015, Mennies sent a letter and release to respondent, which he received but to which he failed to reply. Mennies sent a second letter dated December 14, 2015, with another copy of the release. Despite receiving the letter, respondent again failed to reply. On April 21, 2016, Mennies filed a motion to enforce the settlement agreement, but respondent did not reply to the motion.

On May 16, 2016, the court granted the motion to enforce, setting a deadline of ten days for Sokol-Przybyla to sign the release, otherwise "defendant shall place the settlement funds in escrow and this matter shall be marked discontinued upon further application to the court." Respondent received a copy of the order, but failed to notify Sokol-Przybyla. Mennies deposited \$1,000 into an escrow account for Sokol-Przybyla.

On November 4, 2016, respondent was suspended from the practice of law in Pennsylvania, but failed to withdraw from his representation of Sokol-Przybyla, as Pa.R.D.E. 217(b) requires. On January 4, 2017, Mennies filed a motion to mark the Sokol-Przybyla matter as settled, discontinued, and ended. Respondent was served with the paperwork for this motion via electronic filing, but neither replied nor withdrew his appearance in the matter. On January 26, 2017, the court granted Mennies' motion.

Respondent stipulated that he violated Pa. RPC 1.3 and Pa. RPC 1.16(a)(1) and 9(c), and Pa. R.D.E 203(b)(3).

* * *

In light of the number of client matters in this case, the Joint Petition recommended "a suspension of eighteen months, to run consecutive to the prior suspension of eighteen months." On May 9, 2018, the Disciplinary Board of the Supreme Court of Pennsylvania made the same recommendation. On June 1, 2018 the Supreme Court of Pennsylvania granted the petition and suspended respondent for eighteen months, commencing April 5, 2018, the expiration date of his first suspension.

Following a review of the record, we determine to grant the OAE's motion for reciprocal discipline. Pursuant to R. 1:20-14(a)(5), "a final adjudication in another court, agency or tribunal, that an attorney admitted to practice in this state . . . is guilty of unethical conduct in another jurisdiction . . . shall establish conclusively the facts on which it rests for purposes of a disciplinary proceeding in this state." Thus, with respect to motions for reciprocal discipline, "[t]he sole issue to be determined . . . shall be the extent of final discipline to be imposed." R. 1:20-14(b)(3). In Pennsylvania, the standard of proof in attorney disciplinary matters is that the "[e]vidence is sufficient to prove unprofessional conduct if a

preponderance of the evidence establishes the conduct and the proof . . . is clear and satisfactory." Office of Disciplinary Counsel v. Kissel, 442 A.2d 217 (Pa. 1982) (citing In re Berland, 328 A.2d 471 (Pa. 1974)). Moreover, "[t]he conduct may be proven solely by circumstantial evidence." Office of Disciplinary Counsel v. Grigsby, 425 A.2d 730 (Pa. 1981) (citations omitted).

Reciprocal discipline proceedings in New Jersey are governed by R. 1:20-14(a)(4), which provides in pertinent part:

The Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record on which the discipline in another jurisdiction was predicated that it clearly appears that:

(A) the disciplinary or disability order of the foreign jurisdiction was not entered;

(B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;

(C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;

(D) the procedure followed in the foreign disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(E) the unethical conduct established warrants substantially different discipline.

Respondent is guilty of violations of RPC 1.3; RPC 1.4(b); RPC 1.4(c); RPC 1.16(a)(1); RPC 1.16(c); RPC 8.1(b); RPC 8.4(c); and RPC 8.4(d). Specifically, respondent stipulated that he lacked diligence, in six matters (Aikens, Sizer/Thompson, Mendez/Feliciano, Thompson, Brown/Broadus, and Mennies); failed to communicate with the client and failed to explain the matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in five matters (Aikens, Sizer/Thompson, Mendez/Feliciano, Thompson, and Brown/Broadus); failed to withdraw from the representation when continued representation will violate the RPCs and failed to comply with applicable law requiring notice to or permission of the tribunal when terminating a representation, in one matter (Mennies); engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, in one matter (Brown/Broadus); engaged in conduct prejudicial to the administration of justice, in one matter (Brown/Broadus); and failed to notify clients of his suspension in three matters (Wilkins, Thompson, and Mennies).

Although the ODC categorized respondent's misconduct as a pattern of neglect, the Joint Petition did not allege that respondent violated RPC 1.1(b). Respondent was found to have committed a pattern of neglect in his previous

matter, which involved ten client matters. The seven client matters at issue here are an extension of that same pattern, as discussed below.

The OAE argues that an eighteen-month suspension is excessive in New Jersey for mishandling seven client matters during a three-year period (2013-2016). It noted, in aggravation, that respondent's actions caused serious financial harm to his clients. In mitigation, however, the OAE asserts that, according to the ODC, respondent cooperated with the 2018 Pennsylvania disciplinary proceeding, was remorseful and, during the relevant time, was "suffering from major depression, generalized anxiety disorder and persistent complex bereavement disorder with underlying dependent personality features."

Therefore, based on the aggravating factors and the additional violations in the current matter that were not present in respondent's previous matter, the OAE supports the imposition of a one-year suspension, retroactive to August 3, 2018, the date of respondent's New Jersey suspension. In a March 18, 2019 letter to us, counsel for respondent indicated that respondent accepts the OAE's recommendation.

Attorneys who mishandle multiple client matters generally receive suspensions of either six months or one year. See, e.g., In re Tunney, 181 N.J. 386 (2004) (six-month suspension for attorney who mishandled six matters,

engaging in a combination of gross neglect, pattern of neglect, lack of diligence, failure to communicate, failure to promptly notify a client of receipt of funds, failure to properly terminate representation, knowingly disobeying an obligation under the rules of a tribunal, misrepresentation, and conduct prejudicial to the administration of justice; attorney's depression considered in mitigation; prior reprimand); In re LaVergne, 168 N.J. 410 (2001) (six-month suspension for attorney who mishandled eight client matters; the attorney was guilty of lack of diligence in six of them, failure to communicate with clients in five, gross neglect in four, and failure to turn over the file upon termination of the representation in three; in addition, in one of the matters the attorney failed to notify medical providers that the cases had been settled and failed to pay their bills; in one other matter, the attorney misrepresented the status of the case to the client; the attorney was also guilty of a pattern of neglect and recordkeeping violations); In re Suarez-Silverio, 226 N.J. 547 (2016) (one-year suspension for an attorney who, over thirteen years, mishandled twenty-three client matters before the Third Circuit Court of Appeals, many of which ended by procedural termination; the attorney also disobeyed court orders and made a misrepresentation to the court clerk, which escalated the otherwise appropriate six-month suspension; previous admonition and reprimand for similar conduct);

and In re Brown, 167 N.J. 611 (2001) (one-year suspension for attorney who, as an associate in a law firm, mishandled twenty to thirty files by failing to conduct discovery, to file pleadings, motions and legal briefs, and to generally prepare for trials; the attorney also misrepresented the status of cases to his supervisors and misrepresented his whereabouts, when questioned by his supervisors, to conceal the status of matters entrusted to him; the disciplinary matter proceeded as a default; the attorney had a prior reprimand).

Based on the foregoing, typically, a six-month suspension is imposed when an attorney has mishandled six-to-eight client matters over a period of up to five years, even when other infractions, such as misrepresentation and conduct prejudicial to the administration of justice in the form of wasting judicial resources are involved. A one-year suspension is imposed in cases involving more numerous client matters. Often, however, those matters include many other offenses, a pattern of misrepresentation, a history of discipline, and longer periods of offensive behavior – up to thirteen years.

In respondent's previous matter, he mishandled ten client matters for which Pennsylvania imposed an eighteen-month suspension. Respondent also failed to promptly pay third parties in an additional five client matters; failed to disburse a balance of client funds in one matter; commingled personal and client

funds in his trust account in one matter; committed conduct prejudicial to the administration of justice in four matters; and made significant misrepresentations in two matters, including to the court, over a period of about three years. On a motion for reciprocal discipline, respondent received a one-year suspension in New Jersey. In the Matter of Jeffrey L. Perlman, DRB 17-326 (March 2, 2018) (slip op. at 39-40). He was ordered to provide proof of fitness to practice law, prior to his reinstatement. In re Perlman, 234 N.J. 77.

Here, although some of the violations in respondent's previous matter are absent, he made misrepresentations to a client and failed to withdraw from representations or to notify his clients of his suspension from the practice of law. He also failed to file the Pennsylvania equivalent of a R. 1:20-20 affidavit. Therefore, in sum, the magnitude of respondent's violations in this matter is similar to that of his previous matter.

In aggravation, as in his previous matter, respondent caused significant harm to his clients. In mitigation, however, respondent submitted, and the ODC accepted, documents supporting his mental health struggles, which were triggered by his mother's death in 2013. This date coincides generally with the period the misconduct began. Hence, the ODC noted that respondent was able to draw a connection between his mental state and his misconduct. That

mitigation, coupled with respondent's willingness to stipulate to his conduct and his otherwise unblemished career of over thirty years at the bar, militated against any further escalation of the discipline in respondent's previous matter.


Although respondent's depression may explain his neglect of multiple client matters in both his previous and instant disciplinary matters, it cannot mitigate the misrepresentations present here. Additionally, in the previous matter, we were faced with respondent's misconduct in ten client matters. That number has now increased to seventeen client matters with the addition of the client matters here. Although the period that this misconduct encompassed overlaps with that of respondent's prior matter, further discipline is required. The additional matters here, on their own, also justify a one-year suspension. The mitigation, however, balances in favor of imposing the suspension concurrently with his prior suspension. The same proof of fitness required in the previous matter is also applicable here.

Accordingly, we determine to impose a one-year suspension, retroactive to August 3, 2018, the date of respondent's previous New Jersey suspension, and to require, prior to reinstatement, that respondent provide proof of fitness to practice law.

Vice-Chair Gallipoli and Members Joseph and Zmirich voted for an eighteen-month suspension.

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
Bruce W. Clark, Chair

34: 

By: _____
Ellen A. Brodsky
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

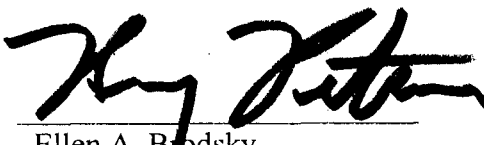
In the Matter of Jeffrey L. Perlman
Docket No. DRB 19-037

Argued: April 18, 2019

Decided: September 23, 2019

Disposition: One-Year Suspension, Concurrent

<i>Members</i>	One-Year Suspension, Concurrent	Eighteen- Month Suspension	Recused	Did Not Participate
Clark	X			
Gallipoli		X		
Boyer	X			
Hoberman	X			
Joseph		X		
Petrou	X			
Rivera	X			
Singer	X			
Zmirich		X		
Total:	6	3	0	0

By: 
Ellen A. Brodsky
Chief Counsel