

Supreme Court of New Jersey
Disciplinary Review Board
Docket No. DRB 19-093
District Docket No. VA-2016-0026E

In the Matter Of :
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: :
Ousmane Dhu'l-Nun Al-Misri :
: :
An Attorney at Law :
: :
:

Decision

Argued: May 23, 2019

Decided: October 23, 2019

John C. Garde appeared on behalf of District VA Ethics Committee.

Respondent waived appearance for oral argument.

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

This matter was before us based on a recommendation for a six-month suspension, filed by the District VA Ethics Committee (DEC). The formal ethics complaint charged respondent with violations of RPC 1.1, presumably subparagraph (a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to adequately communicate with the client and to reply to reasonable

requests for information), RPC 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation), RPC 8.1(b) (failure to cooperate with an ethics investigation), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation).

For the following reasons, we determine to impose a six-month suspension.

Respondent was admitted to the New Jersey bar in 1979, and to the Pennsylvania bar in 1978. In 1996, prior to changing his name from Ronald A. Davis, he received an admonition for failing to communicate with a client and improperly depositing a former client's check into his trust account as a favor to the client, even though the check was not related to a client matter. In the Matter of Ronald A. Davis, DRB 96-271 (September 30, 1996).

In 2002, respondent received a second admonition for gross neglect, lack of diligence, failure to prepare a written fee agreement, and failure to communicate with the client in a real estate matter. In the Matter of Ousmane D. Al-Misri, DRB 02-351 (December 20, 2002).

On February 13, 2009, respondent received a censure for grossly neglecting a real estate matter, commingling personal and trust account funds, recordkeeping violations, practicing law while ineligible for failure to pay the

annual attorney assessment to the New Jersey Lawyers' Fund for Client Protection, and for conduct involving dishonesty, fraud, deceit or misrepresentation, after placing personal funds in his attorney trust account to prevent a levy by a personal creditor. In re Al-Misri, 197 N.J. 503 (2009).

We recently transmitted a decision suspending respondent for three months for engaging in gross neglect and a lack of diligence, failure to communicate with the client, assisting an attorney not licensed to practice law in New Jersey in the unauthorized practice of law, and making a misrepresentation to the client. In the Matter of Ousmane Dhu'l-Dun Al-Misri, DRB 18-344 (April 25, 2019). That matter is pending with the Court.

Prior to the ethics hearing conducted in this matter, the parties entered into a stipulation of facts that disposed of many, but not all, of the facts in the matter. They are as follows.

On February 5, 2011, Robert E. Sarter, the grievant, retained respondent to defend him in personal injury litigation pending in the Superior Court of New Jersey, Essex County, Law Division, in which the plaintiff, Vidrole Monace, alleged that one or more of Sarter's dogs had bitten him. Floyd C. Goldsman, Esq. represented Monace. Respondent and Sarter entered into a written fee agreement for the representation, a copy of which was attached to the stipulation as an exhibit.

Respondent contacted Sarter's homeowners' insurance carrier to request coverage for the dog bite claim, but on November 4, 2011, the carrier denied coverage. On August 28, 2012, almost a year after coverage was denied, respondent filed a motion for leave to file a third-party complaint against the carrier and an insurance broker, but on a date not in the record, the court denied that motion.

Although Goldsman deposed Sarter, respondent did not request any written discovery from the plaintiff, depose the plaintiff, or request the plaintiff's independent medical examination to evaluate the extent of his alleged injuries.

Respondent failed to inform Sarter of mandatory, nonbinding arbitration scheduled for January 9, 2013. Neither respondent nor Sarter attended the arbitration. As a result, the arbitrator found Sarter 100% liable for Monace's injuries and awarded him damages of \$60,000.

Because respondent failed to file a request for a trial de novo, Goldsman filed a motion to strike Sarter's answer and to enter judgment against him for \$60,000. On February 8, 2013, the court granted the motion, which respondent had failed to oppose, and entered judgment against Sarter for \$60,000. On May 3, 2013, the judgment was docketed as a statewide lien and remained so as of November 17, 2017, the date of the stipulation.

Respondent's subsequent motion to vacate the February 8, 2013 order

striking Sarter's answer and entering judgment was denied on a date not in the record.

On August 2, 2016, during the ethics investigation, the DEC sent respondent a copy of Sarter's grievance and requested his written reply within ten days of his receipt of the letter. After two follow-up telephone calls from the DEC, respondent filed his reply to the grievance on December 15, 2016. Thereafter, respondent did not return four telephone calls that the DEC investigator had made on May 8, 9, 10, and 11, 2017, seeking to discuss additional facts and allegations.

At the ethics hearing, Sarter testified that, pursuant to their written fee agreement, he paid respondent with a combination of cash and services. As the owner of a towing service and auto repair shop, he had towed and repaired respondent's vehicles in the past. He also had rented vehicles to respondent, stored respondent's Mini Cooper for two years while waiting for respondent to fund an engine replacement for the vehicle, and towed a Jeep from Philadelphia for respondent.

According to Sarter, although he and respondent communicated about once a month during the representation, respondent failed to tell him about important events in the case. For example, respondent informed him at some point that Goldsman made a \$50,000 settlement offer, which Sarter turned down

as "bad news." Sarter was unaware at the time that the case had been the subject of an arbitration proceeding, that a \$60,000 award had been obtained, and that a judgment for \$60,000 had been entered against him. Sarter learned about the judgment from Goldsman's office.

Sarter denied that respondent had sent him any letters about the case and that respondent had communicated that he required more money in order to take a deposition or obtain a medical examination of the plaintiff. Sarter was unaware that expenses were an issue in the case. Likewise, respondent never sent him invoices showing how funds were used in his case.

In respect of the mix of funds and services to pay respondent's fee, Sarter conceded that he did not keep records of the money that he gave respondent for fees, adding that respondent did not provide him with receipts for payments made.

Sarter became so displeased with respondent's handling of his matter that, in December 2014, he contacted another attorney, Rhea Moore, Esq. Moore prepared a letter for Sarter's signature that terminated the representation and requested respondent to retrieve his vehicle from Sarter's property.

Meanwhile, on November 11, 2012, respondent had suffered a stroke, which required a six-day hospitalization. His discharge papers stated that he could resume normal activities on his release. Although he had made telephone

calls from the hospital, he was unable to resume his normal activities, including practicing law, upon his release. Respondent claimed to have convalesced at an address in Philadelphia, but did not identify the dates for the time spent there, prior to his return to New Jersey. He also admitted having spoken to Sarter after his release from the hospital, and before the January 9, 2013 arbitration session, but they did not discuss the arbitration.

Respondent knew that the January 9, 2013 arbitration date was approaching, because it had been rescheduled due to his stroke. Rather than tell Sarter about the arbitration, respondent instead suggested that he settle the case, because respondent considered it a "strict liability" dog bite case, and because, respondent claimed, Sarter refused to pay for the plaintiff's deposition and independent medical examination.

On the issue of liability, Sarter testified that he had a good case against the plaintiff because numerous inconsistencies in the plaintiff's story about the events surrounding the alleged dog bite inured to Sarter's benefit. Yet, respondent did not explore these inconsistencies. Importantly, Sarter denied that his dogs ever escaped from their pen to bite anyone.

In turn, respondent claimed that he grew frustrated with Sarter's failure to fund his own case, or to repair respondent's Mini Cooper. According to respondent, Sarter was supposed to obtain a new engine for the car from

California, but never did so.

Respondent also claimed that Sarter knew that respondent "had no interest in pursuing" his matter, other than to try to settle the case. Yet, respondent admittedly failed to pursue a settlement until after the plaintiff had obtained a \$60,000 judgment against Sarter. Nevertheless, respondent thought it unnecessary to set forth in writing to Sarter his reservations about the representation. Respondent also acknowledged that, despite his frustrations and desire to withdraw from the case, he never sought to be relieved as counsel.

Respondent denied having received Sarter's letter terminating the representation and claimed he had been unaware of it until Sarter produced it for the ethics proceeding.

Respondent conceded that he filed his written reply to the grievance on December 15, 2016, after having received two follow-up calls from the DEC. Respondent denied that he had been aware of the four May 2017 telephone calls from the DEC investigator. He faulted his then secretary for not giving him those messages, stating that she often failed to give him messages. As a result, he later terminated her employment. The record contains no letters to respondent from the DEC or other indicia of attempts to obtain information from him that would establish when, after May 11, 2017, respondent became reengaged in the investigation. Respondent provided medical records establishing that he had

health issues from late April to July 2017, which he offered to explain any "gap" between those calls and his ultimate continued cooperation with the investigation.

Finally, at the hearing, respondent addressed the complaint's allegations that he had misrepresented key dates in his motion to vacate the order striking Sarter's answer and entering judgment against him for \$60,000. The complaint alleged that respondent filed that motion on February 27, 2014, misrepresenting that the order was dated February 8, 2014, rather than February 8, 2013 and that, in his certification, respondent misrepresented that he was incapacitated by a stroke when that order was entered, but the order pre-dated respondent's stroke by nine months. Moreover, although respondent's cover letter was dated March 4, 2014, the court's file-stamped date is February 27, 2015.

Respondent denied having misrepresented those dates to the court so that his illness would appear to have occurred in November 2013, instead of November 2012. The presenter, however, noted that respondent had sought relief based on "mistake, inadvertence and excusable neglect," which, according to the ethics complaint, implicated R. 4:50-2. Under that Rule, such relief must be sought within one year of the date of the underlying order. According to the complaint, respondent's use of erroneous dates in his motion papers was meant to mislead the court that his request had been filed within one-year of the

underlying court order. Respondent, however, denied that he had intentionally altered dates to mislead the court. Rather, he claimed that all erroneous dates were the product of a mistake.

Respondent could not explain why the court's file-stamped date on his March 4, 2014 cover letter was February 27, 2015, but insisted that his March 4, 2014 date was correct. The record, however, contains no evidence establishing whether the court's filed-stamp date of 2015 was accurate.

At the time of the ethics hearing, respondent was practicing law on a part-time basis, without any office staff.

The DEC found respondent guilty of all charges alleged in the complaint. Specifically, the DEC found that respondent exhibited gross neglect and lack of diligence by failing to inform Sarter of a scheduled arbitration; attend the arbitration; move for a trial de novo after the arbitration; to oppose the plaintiff's post-arbitration motion to strike Sarter's answer and enter judgment against Sarter; depose the plaintiff in the underlying litigation; or obtain an independent medical examination of the plaintiff. The DEC discounted respondent's recuperation from a stroke as an explanation for his failure to defend his client's claims, inasmuch as the hospital discharge papers stated that respondent could resume normal activities upon his release. Moreover, his medical issue did not account for his failure to request discovery prior to the stroke.

For three reasons, the DEC also rejected respondent's argument that he was justified in failing to litigate the case based on Sarter's alleged failure to pay the costs of plaintiff's deposition and independent medical examination: (1) there was some evidence that Sarter provided at least a portion of the required payment in cash and services; (2) respondent admitted that some payment had been forthcoming, although there was disagreement as to the extent of services Sarter was to perform; and (3) respondent never sent Sarter any invoices or letters requesting additional funds. The DEC, therefore, found violations of RPC 1.1(a) and RPC 1.3.

In addition, the DEC found that, although respondent and Sarter spoke frequently, respondent failed to inform his client about virtually every important event in the representation: (1) the mandatory arbitration session; (2) the court's adoption of the arbitrator's findings; (3) the possibility of a trial de novo after the entry of the arbitration award (4) the plaintiff's motion to strike Sarter's answer and for the entry of a \$60,000 judgment against Sarter; and respondent's failure to oppose entry of a judgment against Sarter. The DEC concluded that respondent violated RPC 1.4(b) and RPC 1.4(c).

In respect of RPC 8.1(b), the DEC found that, after providing his initial reply to the grievance, respondent failed to return phone calls despite multiple follow-up attempts to reach him. The panel discounted respondent's explanation

that his secretary had failed to give him messages, on the basis that he was obligated to keep himself informed about developments in the investigation.

Finally, the DEC found that respondent made misrepresentations to the court in his motion to reinstate Sarter's answer and to vacate the default. The DEC determined that respondent failed to file a motion under R. 4:50-2 until February 27, 2015, two years after the \$60,000 judgment had been entered on February 8, 2013. Because R. 4:50-2 requires a motion to set aside a judgment for excusable neglect to be filed no later than one year after the date of the judgment, respondent needed to file such a motion by February 8, 2014.

The DEC concluded that the court's file-stamp date, February 27, 2015, was correct, and therefore, respondent's cover letter and motion papers, all dated in 2014, were incorrect. Moreover, respondent's certification in support of the motion stated that a judgment had been entered on February 8, 2014, one year later than it had been entered, and that respondent had suffered a stroke on November 10, 2013, one year later than the stroke had occurred.

The DEC rejected respondent's explanation that these inconsistencies were mistakes, concluding that, "with no valid explanation for these inconsistencies, it is the unanimous judgment of this Panel that the Respondent has violated RPC 8.4(c) by intentionally misrepresenting critical dates in his motion papers in an effort to mislead the Court into believing that the motion

was timely when, in fact, it was not."

The DEC recommended a six-month suspension, citing In re Chen, 154 N.J. 11 (1998). In Chen, the attorney was found guilty of gross neglect, lack of diligence, and failure to communicate with the client in a single matter. Chen had an extensive disciplinary history, including a 1995 reprimand for gross neglect, failure to communicate, and failure to maintain a bona fide office; a 1996 three-month suspension for pattern of neglect, failure to communicate and failure to cooperate with disciplinary authorities; and a 1997 three-month suspension for gross neglect, pattern of neglect, failure to communicate and conduct involving dishonesty, fraud, deceit or misrepresentation. In the Matter of Marie C. Chen, DRB 97-309 (April 13, 1998) (slip op. at 2-4).

The DEC also recommended that respondent be required to practice with an OAE-approved proctor for a period of two years upon reinstatement.

In a July 14, 2018 post-hearing brief, respondent urged the imposition of an admonition or reprimand.

Following a de novo review of the record, we are satisfied that the DEC's finding that respondent's conduct was unethical is fully supported by clear and convincing evidence.

Respondent was retained to defend Sarter in a dog bite litigation. Sarter testified that inconsistencies in the plaintiff's story and the fact that his dogs

never escaped their pen provided a good defense to the plaintiff's case. Initially, respondent tended to the case. He filed a timely answer to the complaint on November 28, 2011, attended his client's deposition on March 29, 2012, and filed an unsuccessful motion for leave to file a third-party complaint on August 28, 2012. Thereafter, respondent failed to request discovery, including the plaintiff's deposition and an independent medical examination to determine the extent of his injuries; to inform Sarter of a scheduled arbitration; to attend the arbitration; to move for a trial de novo after the arbitration; or to oppose the plaintiff's post-arbitration motion to strike Sarter's answer and to enter judgment against Sarter. On May 3, 2013, the plaintiff's attorney docketed the judgment as a statewide lien. A year later, in March and April 2014, respondent sought to settle the judgment with plaintiff's counsel for \$50,000. Although respondent told Sarter of the offer, respondent failed to disclose to Sarter respondent's underlying missteps. Unaware that there was already a judgment against him, Sarter declined the settlement offer.

Finally, although respondent complained that his client failed to fund the litigation, he never told Sarter about that concern. Furthermore, he never sought to be relieved as counsel. Accordingly, respondent remained Sarter's attorney to the end. Thus, it is inarguable that respondent's inaction led to total failure and the entry of a \$60,000 judgment against his client, amounting to gross neglect

and lack of diligence, violations of RPC 1.1(a) and RPC 1.3, respectively.

Although respondent communicated frequently with Sarter, he failed to keep Sarter reasonably informed about the status of the case or to explain the matter to the extent reasonably necessary for his client to make informed decisions about the representation. He kept Sarter in the dark that a mandatory arbitration session had been scheduled; that the court had adopted the arbitrator's findings; that a judgment had been docketed; that he could request a trial de novo after the arbitration award was entered; and that the plaintiff filed a motion for, and subsequently obtained, an order striking Sarter's answer and entering a \$60,000 judgment against him.¹ We find that respondent's conduct violated RPC 1.4(b) and RPC 1.4(c).

In respect of cooperation, the DEC's RPC 8.1(b) finding was based on respondent's failure to return the DEC investigator's four telephone calls on May 8 through 11, 2017. The DEC rejected respondent's claim that his secretary had failed to give him those messages, determining that respondent was obligated to stay informed about developments in the investigation. However, the record

¹ Although respondent's failure to inform his client of important events in his matter could be deemed a misrepresentation by silence, because the complaint did not charge him with a violation of RPC 8.4(c) in this regard, we are precluded from making such a finding. See R. 1:20-4(b), which provides that the complaint shall specify the ethics rules alleged to have been violated.

contains no documentation about the duration of this gap in respondent's cooperation, beyond the four days in question.

We know that respondent resumed cooperating with the investigation. He had filed an initial written reply to the grievance. Thereafter, he answered the complaint, entered into a stipulation, attended and participated in the ethics hearing, and filed a post-hearing brief.

In addition, respondent provided medical records supporting his claim to have been battling health issues around the time of the DEC's four phone calls. It is entirely plausible that he did not receive the DEC's messages. Given the lack of detail about the amount of time that respondent is alleged to have ignored the investigation, and respondent's obvious, considerable cooperation overall, we forgive respondent a minor "gap" in cooperation and dismiss the RPC 8.1(b) charge.

Finally, respondent was charged with having made misrepresentations to the court in his motion to vacate default and to reinstate Sarter's answer to the plaintiff's complaint. Respondent suffered a stroke on November 11, 2012, but the date appeared as November 10, 2013 in his certification. The certification cited the date of the court's underlying order as February 8, 2014, instead of the actual date, February 8, 2013. Respondent's motion papers were dated February

27, 2014, with a cover letter to the court dated March 4, 2014. The court stamp for the motion papers bore a date of February 27, 2015.

The DEC concluded that respondent's use of incorrect dates was an attempt to convey the appearance that he had complied with R. 4:50-2, which requires that a motion for relief from a final order based on mistake, inadvertence, surprise, or excusable neglect under R. 4:50-1 be filed within a reasonable time, but not more than one year after the entry of the underlying order.

There is an error in the complaint that bears mention. The complaint states that, in his certification in support of the motion to vacate, "Respondent misrepresented that the order was entered on February 8, 2014, at a time when he was incapacitated by a stroke. In fact, the order had been entered *nine months before* Respondent had a stroke" (emphasis added). That statement is inaccurate, inasmuch as respondent's stroke occurred on November 11, 2012, about three months before the court entered its February 8, 2013 order.

Notwithstanding the error in the complaint, if the court order was dated February 8, 2014, respondent's deadline to file a motion under R. 4:50-2 was February 8, 2015. Yet, his cover letter to the court was dated a year earlier, on March 4, 2014. Likewise, his motion papers were dated February 27, 2014. Respondent testified that the date on his cover letter was accurate and that he

filed the motion in March 2014. He had no explanation for the court's use of the year 2015 on its filed stamp. We find it difficult to believe that, if respondent had intended to mislead the court in 2015, he would do so with motion papers and a cover letter that would draw immediate attention to themselves because they were late on their face. Additionally, it is unlikely that the court would have permitted documents dated in March 2014 to be filed in February 2015.

Finally, if the court's February 27, 2015 date is accurate, respondent's March 4, 2014 cover letter was almost a full month beyond the R. 4:50-2 one-year filing deadline of February 8, 2015, had the court entered an order on respondent's incorrect date of February 8, 2014. Respondent's motion papers also would have been nineteen days out of time (February 8, 2015 to February 27, 2015). We question why respondent would go to all that trouble to fabricate dates that were out of time?

It is unclear from this record when respondent filed his motion papers – March 4, 2014 or February 27, 2015. Respondent's reason for using the dates that appear in his motion papers also is unclear. He claims that they were mistakes and that he did not intend to mislead anyone.

That respondent's motion was still almost a month out of time using an incorrect order date of February 8, 2014 is not dispositive of his lack of intent to mislead. However, questions about the timing of the filed stamp, and the date

that respondent filed his motion raise some doubt that he had an intent to deceive the court. Those questions linger unresolved. For lack of clear and convincing evidence that respondent intended to mislead the court, we dismiss the RPC 8.4(c) charge.

In summary, in one client matter, respondent is guilty of gross neglect, lack of diligence, and failure to communicate with the client.

Conduct involving gross neglect, lack of diligence, and failure to communicate with clients ordinarily results in either an admonition or a reprimand, depending on the number of client matters involved, the gravity of the offenses, the harm to the clients, and the seriousness of the attorney's disciplinary history. See, e.g., In the Matter of Craig C. Swenson, DRB 16-278 (January 20, 2017) (admonition for attorney who, in 2008, filed three workers' compensation claim petitions on behalf of his client for three incidents that occurred in 2007; a fourth claim was filed in 2014 for an incident that occurred in July 2012; the employer's workers' compensation carrier offered to settle two of the claims for \$5,000, which the client agreed to accept, but the attorney failed to obtain the required approval from "Social Security/Medicare" and failed to monitor the client's matters; when counsel for the carrier filed a motion to dismiss three of the claims for lack of prosecution, the attorney failed to file opposition, resulting in their dismissal; when counsel filed a demand for medical

information for the remaining claim, the attorney failed to reply, resulting in its dismissal for lack of prosecution; the attorney failed to inform his client of the dismissals and failed to take action to reinstate the petitions; violations of RPC 1.1(a), RPC 1.3, and RPC 1.4(b); we considered, in mitigation, the attorney's cooperation with disciplinary authorities by admitting the violations cited in the stipulation; the absence of a history of discipline in twenty-eight years at the bar; and his entering into therapy for "the causes and consequences" of his actions); In the Matter of Walter N. Wilson, DRB 15-338 (November 24, 2015) (admonition; attorney, hired to handle a tax appeal from the loss of a special assessment, neither filed an appeal nor advised his client of the deadline, thus depriving the client of the opportunity to perfect an appeal, violations of RPC 1.1(a) and RPC 1.3; in mitigation, we considered that the attorney had no prior formal discipline; his misconduct involved only one client matter, and did not result in significant injury to him; his misconduct was not for personal gain; and, at the time of the misconduct, he was caring for his girlfriend, who was seriously ill); In re Sachs, 223 N.J. 241 (2015) (reprimand imposed on attorney who had represented two sisters in the sale of a home, against which two liens had attached; the title company required the amount of the liens to be held in escrow, and the sisters provided the funds; despite his promise to do so, the attorney did not negotiate the pay off of the judgments, leaving the title company to do so,

with the escrowed monies, and retaining the balance as its fee; the attorney neither obtained a bill from the title company, justifying its fee, nor told his clients that the title company had taken a fee; he also failed to return one of the client's telephone calls for several years after the escrow funds had been disbursed; violations of RPC 1.1(a), RPC 1.3, and RPC 1.4(b); reprimand imposed due to economic loss suffered the by clients); and In re Calpin, 217 N.J. 617 (2014) (reprimand for attorney who failed to oppose the plaintiff's motion to strike his client's answer, resulting in the entry of a final judgment against his client; the attorney never informed his client of the judgment; notwithstanding the presence of some mitigation in the attorney's favor, the attorney received a reprimand because of the "obvious, significant harm to the client," that is, the judgment).

Here, in mitigation, respondent suffered a stroke in November 2012, which required a six-day hospitalization. Upon his release, he was permitted to resume normal activities, including the practice of law, but his ability to do so was somewhat hampered.

In aggravation, respondent's neglect caused great harm. As a result of his failure to defend Sarter against the plaintiff's claims, a \$60,000 judgment was entered against him, which remains a lien on his property, presumably to the present.

In additional aggravation, respondent has a disciplinary history that includes some of the same ethics violations present in this matter: a 1996 admonition that included failure to communicate with the client; a 2002 admonition that included gross neglect, lack of diligence, and failure to communicate; and a 2009 censure that included gross neglect.²

Therefore, respondent has failed to learn from prior mistakes. With respondent's 2009 censure as a baseline, enhanced discipline would suggest a three-month suspension as the appropriate sanction here.

The hearing panel likened this case to Chen, above, a six-month suspension case for identical misconduct — gross neglect, lack of diligence, and failure to communicate with the client. We agree that the combination of respondent's prior discipline and the great harm to the client warrants the imposition of a six-month suspension.

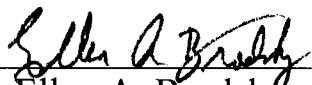
We further require respondent to practice under the supervision of an OAE-approved proctor for a period of two years upon reinstatement.

Vice-Chair Gallipoli voted for a one-year suspension. Member Joseph voted for a three-month suspension. Members Petrou, Rivera, and Singer did not participate.

² The misconduct in DRB 18-344, the three-month suspension case transmitted to the Court on April 25, 2019, took place after the misconduct in this matter.

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

By: 
Ellen A. Brodsky
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

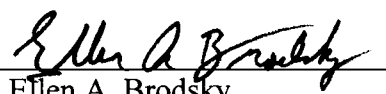
In the Matter of Ousmane Dhul'L-Nun Al-Misri
Docket No. DRB 19-093

Argued: May 23, 2019

Decided: October 23, 2019

Disposition: Six-Month Suspension

<i>Members</i>	Six-Month Suspension	One-Year Suspension	Three-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:	4	1	1	0	3


 Ellen A. Brodsky
 Chief Counsel