Supreme Court of New Jersey
Disciplinary Review Board
Docket No. DRB 19-171
District Docket No. VII-2017-0001E

In the Matter of

Ali A. Ali

An Attorney at Law

Decision

Argued: July 18, 2019

Decided: December 16, 2019

Elizabeth A. Smith appeared on behalf of the District VII Ethics Committee.

Respondent appeared pro se.

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

This matter was before us on a recommendation for a one-year suspension filed by the District VII Ethics Committee (DEC). The formal ethics complaint charged respondent with violations of RPC 1.1(a) (gross neglect), RPC 1.3 (lack

of diligence), and RPC 8.1(b) (failure to reply to a lawful demand for information from a disciplinary authority).

For the reasons set forth below, we determine to impose a two-year suspension, with conditions.

Respondent was admitted to the New Jersey bar in 2009. At the relevant time, he maintained a law practice in Princeton, New Jersey.

Respondent has a history of discipline. In May 2013, he entered into an agreement in lieu of discipline (ALD), but failed to comply with its requirements. Consequently, the district ethics committee filed a complaint against him, which resulted in a 2017 reprimand. Specifically, he exhibited a lack of diligence, failed to expedite litigation, disobeyed court orders, failed to file a substitution of attorney, and engaged in an ex parte communication with a judge. Finally, the court, his adversary, and substitute counsel were unable to contact him. Respondent, thus, was guilty of violating RPC 1.3; RPC 3.2 (failure to expedite litigation; RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal); RPC 3.5(b) (ex parte communication); and RPC 8.4(d) (conduct prejudicial to the administration of justice).

Moreover, in that case, we found a number of aggravating factors, including: (1) respondent's lack of contrition, remorse, or understanding that he

had engaged in misconduct; (2) his lack of understanding of the function of a mentor; and (3) his admitted outsourcing of work to paralegals, outside of New Jersey, in order to minimize his contact with clients, and to maximize his time for "rainmaking" and spending time with family.

In addition to reprimanding respondent, the Court ordered that he (1) practice under the supervision of an OAE-approved proctor; (2) complete a Continuing Legal Education (CLE) course in law office management; and (3) complete two ethics courses in addition to those required for CLE credit. In re Ali, 231 N.J. 165 (2017).

Effective January 4, 2019, the Court suspended respondent for three months for multiple recordkeeping violations, some of which he failed to correct, despite having been directed to do so on numerous occasions; using an improper designation for his law firm, "Law Champs, LLC;" and failing to reply to the Office of Attorney Ethics' (OAE) multiple demands for information. In re Ali, 236 N.J. 93 (2018).

In that case, we again were concerned by respondent's cavalier attitude toward his professional responsibilities, his seeming ignorance of the Rules of Professional Conduct, and his belief that they do not apply to him. He repeatedly failed to timely reply to the OAE's requests for information, and was less than

forthright in his excuses for not having done so; he ignored the OAE's deadlines; and he failed to appear at an OAE audit, claiming he was not in the immediate area at the time. We concluded that respondent's behavior evidenced a disregard for New Jersey's disciplinary process.

The Court's Order of suspension specified that respondent could not apply for reinstatement to practice law until he fully cooperated with the OAE and corrected his recordkeeping deficiencies, and that, after reinstatement, he submit to the OAE monthly reconciliations of his attorney accounts, on a quarterly basis, for a two-year period. Respondent remains suspended to date.

In our view, the procedural history of this matter once again demonstrates respondent's disregard for the disciplinary process. According to the hearing panel chair, following the rescheduling of multiple hearing dates in June 2018, the parties eventually agreed to a September 28, 2018 hearing date. However, in a September 23, 2018 e-mail, respondent moved for a stay or further adjournment of the hearing, asserting, in an unsigned certification, that he had not been aware that a conflict would arise when they had chosen the date. He added that he had "cautioned all parties" that he has a better idea of his schedule "on a weekly basis." Respondent asserted that he had two cases pending before courts that required his "utmost attention." He, therefore, requested a stay until

both cases were resolved, at which time he would have a better idea on "how to move forward with discipline by consent." Respondent provided neither supporting documentation nor identification of the cases in his certification. Because respondent failed to establish good cause for an adjournment or a stay, the chair denied respondent's application and determined that the hearing would proceed, even in respondent's absence.

On September 27, 2018, respondent sent another e-mail to the hearing panel chair, claiming that he was unable to attend the hearing and would be forwarding a signed stipulation of facts to the presenter. He invited the chair to call him to discuss his conflict "confidentially."

The chair e-mailed a reply to both respondent and the presenter, informing respondent that ex parte communications were prohibited, and offering to coordinate a telephone prehearing conference. In an ensuing telephone conference, respondent reiterated that he would execute the proposed stipulation of facts that the presenter had prepared. The chair reminded respondent that the Court Rules mandated his appearance at the hearing, which would give him an opportunity to challenge evidence presented against him and to present mitigation. Respondent confirmed that he understood his rights, but would not attend the hearing.

On the morning of the hearing, respondent e-mailed to the presenter the proposed stipulation of facts, which contained his unilateral, handwritten changes; notified the presenter that it was not in his best interests to sign the stipulation as drafted, because he had not been offered reduced discipline; and confirmed that he would not appear at the hearing. The presenter rejected respondent's changes, replied that she did not have the authority to impose discipline, and suggested that, had respondent signed the stipulation, it might have been considered as mitigation. The hearing then proceeded, in respondent's absence.

We now turn to the facts of the matter.

In 2011, respondent assumed from another attorney the representation of an existing bankruptcy client's divorce matter, but failed to take appropriate measures to protect the client's interests, and then failed to fully cooperate with the DEC investigator in respect of the client's ethics grievance. Specifically, respondent already represented the grievant, Dr. Rajiv Vaish, in a bankruptcy proceeding. Contemporaneously, Edward Zohn, Esq. represented Vaish in his divorce action against defendant Sanmati Vaish. On July 15, 2011, however, Zohn moved to withdraw as Vaish's counsel. In a July 22, 2011 e-mail to Vaish, Zohn confirmed that he was seeking to withdraw from the case, and notified

Vaish that an early settlement panel (ESP) proceeding had been rescheduled to August 8, 2011. Vaish then retained respondent in the divorce matter and forwarded Zohn's withdrawal e-mail to respondent. The court did not enter an order granting Zohn's request to be relieved as counsel until August 19, 2011.

According to Vaish, respondent quoted, in an e-mail, a $1,500 fee for the divorce matter, but did not otherwise provide a writing setting forth the terms of their fee agreement. Vaish met respondent at a courthouse, while respondent was handling another matter, to turn over his divorce file and give respondent $500 in cash toward the fee. When Vaish requested a receipt, respondent replied that he would e-mail a receipt, but failed to do so. Notwithstanding respondent's agreement to represent Vaish in the divorce action, respondent never filed a notice of appearance with the family court.

In an August 5, 2011 e-mail to Vaish, respondent stated, "I have been in contact with the court. Don't worry we don't have to go [to the ESP proceeding on] Monday. I will email more info later today." Vaish understood that respondent had postponed the date of the ESP, and that they were not required to appear. Accordingly, on August 8, 2011, neither of them appeared at the ESP proceeding.

Consequently, on that date, Sanmati's attorney filed a request to enter default against Vaish and to dismiss his complaint, based on his failure to appear at the ESP. Thereafter, Zohn, who had appeared at the ESP proceeding, notified Vaish that he should have attended the ESP, and that his complaint had been dismissed and a default judgment had been entered against him.

In an August 17, 2011 e-mail, respondent claimed to Vaish that, prior to the ESP proceeding, he had called the court and left a voice message for the judge's secretary, informing the court that he had a conflict; that he would have to file a motion to reinstate Vaish's complaint, which was "no big deal" because he had documentation in support of the conflict; and that he would relieve Zohn as counsel by filing a substitution of attorney. Prior to receiving respondent's e-mail, based on their prior exchange, Vaish believed that respondent had personally spoken to the judge's staff to obtain a postponement of the ESP. Respondent neither provided Vaish with any evidence of the conflict nor informed Vaish of its nature.

In a September 8, 2011 e-mail to Vaish, respondent forwarded a notice of motion and certification in support of the motion to reinstate Vaish's complaint, which respondent instructed his client to execute and then file. Respondent had used form documents, which he had completed by filling in the blank portions,

by hand. He checked the box indicating that Vaish did not request oral argument, wrote that Vaish had missed the court date because his attorney had a scheduling conflict, and further represented that "[m]y attorney left a voice mail with the judge's secretary advising of the conflict." Respondent, however, did not attach to the certification any proof of the claimed conflict. Moreover, the form gave the appearance that Vaish was proceeding pro se in the divorce action.

Respondent's e-mail instructed Vaish to sign the documents and to send a certified copy of the motion to his "ex or her attorney," and to send three copies to the court. Vaish did not understand that he was waiving his right to oral argument, that the matter would, thus, be heard on the papers, or that the court would conclude that he was proceeding in a pro se capacity.

On October 7, 2011, the court denied Vaish's motion to reinstate the complaint. The court's order indicated that Vaish had appeared pro se. At the time, Vaish did not understand what that meant. The court's reasons for the dismissal were that Sanmati's attorney had certified that (1) Vaish did not appear for the ESP; (2) respondent had advised Vaish to not attend the ESP; (3) although respondent claimed that he had left a voice message with the judge's secretary about a conflict, the court confirmed that it had not received such a message from respondent; (4) respondent, as new counsel, had never entered an

appearance; and (5) respondent had not satisfied the plaintiff's court-ordered discovery obligations.

Vaish testified that, on the date of the motion to reinstate his complaint, respondent, who was appearing in court on another case, instructed Vaish to go to the courtroom and to contact respondent when the case was called. However, when Vaish arrived at the courtroom, a court officer simply handed him an envelope containing the order of dismissal. Respondent did not explain to Vaish the import of the order, but assured his client that he would take care of it, and that everything would be fine.

On August 15, 2011, Sanmati filed a notice of application for equitable distribution, which was scheduled for an October 25, 2011 hearing. Neither respondent nor Vaish appeared at the hearing. Therefore, respondent did not present any evidence to dispute the findings of Sanmati's expert, which imputed an approximately $180,000 annual income to Vaish.

On October 25, 2011, the court entered a final judgment of divorce, noting that Sanmati had filed and served an application for equitable distribution, and that no objection had been filed. The final judgment, thus, directed the parties to comply with Sanmati's application.

Respondent had neither informed Vaish about the hearing on equitable distribution, nor advised him to appear. Vaish claimed that he never received a notice from the court regarding the October 25, 2011 hearing. When Vaish called Sanmati's attorney to complain about the judgment, she informed him that he had no attorney of record listed with the court.

According to Vaish, respondent never explained the significance of the orders, or that the judgment of divorce granted Sanmati's application for equitable distribution, set alimony in the amount of $40,000 per year, and established his child support obligations. Vaish, thus, never had the opportunity to participate in any negotiations, or to establish the amount of his assets or his ability to pay support.[1] He was unable to meet his financial obligations under the final judgment.

Respondent did not advise Vaish about any potential recourse, but rather, told Vaish not to worry, and to send him a copy of the final judgment. However, respondent stopped answering Vaish's calls and e-mails, until he informed Vaish that he was too busy to handle the matrimonial matter, but, nevertheless, continued to represent Vaish in the bankruptcy matter.

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[1] Vaish later retained Zohn to appeal the judgment of divorce, but, in 2014, the appeal was denied.

Based on Vaish's inability to meet his financial obligations under the final judgment, liens were filed against his assets, and he was incarcerated, several times, for his failure to pay the judgments. As of the date of the ethics hearing, he was almost $375,000 in arrears, and his passport had been revoked. As a result, he was unable to visit his mother, who passed away in 2016, or his elderly father.

Respondent then failed to cooperate with the DEC's investigation of Vaish's ethics grievance. On January 11, 2017, the presenter sent a letter by certified mail to respondent's office in Princeton. After the letter was returned stamped "refused," the presenter telephoned respondent for an explanation. Respondent informed her that, although he operated a shared office in Princeton, no one at that address was authorized to accept or sign for deliveries or documents in his behalf.[2] Respondent then provided the presenter with his home address.

On January 21, 2017, the presenter sent a letter to respondent's home address, (1) enclosing her original letter and a copy of the grievance; (2)

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[2] At oral argument before us, respondent explained that, he specifically had not authorized anyone to accept service on his behalf, because he did not want that acceptance to trigger the timeframe for him to reply. Respondent admitted that his goal was to maximize his time to reply, notwithstanding his receipt of a copy of the same document by regular mail.

requesting a reply within ten days; and (3) confirming, in response to respondent's prior inquiry, that there was no statute of limitations in ethics matters.

On January 31, 2017, the presenter telephoned respondent to inquire why he had not accepted the mail sent to his home address. Respondent claimed that he could not pick up the mail from the post office until February 11, 2017. He, therefore, requested that she fax the packet to him. The presenter's four attempts to do so proved unsuccessful. Eventually, on February 1, 2017, respondent accepted delivery of the letter.

In a February 12, 2017 e-mail to respondent, the presenter requested information regarding Vaish's bankruptcy, a copy of the retainer agreement for that matter, and confirmation that respondent maintained a law office in Mercer County. The same date, respondent replied by e-mail, asserting that: (1) Vaish had failed to produce a retainer agreement establishing an attorney-client relationship, which, respondent maintained, Vaish had the burden to establish; (2) Vaish had neither signed a retainer agreement nor paid a proper fee; (3) he did not recall advising Vaish that he should not attend the ESP proceeding; and (4) he could not act on Vaish's behalf until a substitution of attorney form was signed. Respondent also objected to the presenter's inquiries on the basis that

they were beyond the scope of the grievance, and contended that the burden of proof had shifted to Vaish.

A February 18, 2017 letter from the presenter reminded respondent of his obligation to cooperate in a disciplinary investigation, and informed him that the burden did not shift to Vaish. She also renewed her requests for additional information and supporting documentation. In a March 2, 2017 e-mail, the presenter reminded respondent that he had not replied to her February 18, 2017 letter and inquired whether he would be submitting documentation in connection with the investigation and, if so, when. On March 3, 2017, respondent replied that the investigation had exceeded the scope of the grievance and "feels like a 'witch hunt;'" that Vaish, not respondent, should be required to produce the documents; and that he would look for the requested documents only if Vaish deposited a $600 bond with the court, based on respondent's attorney fee rate of $300 per hour.

According to the presenter, respondent reiterated that position in multiple communications with her, complaining about the procedures and the requirement that he cooperate with the investigation. The presenter sent respondent's reply to Vaish, who provided her with a packet of information,

including documents and copies of e-mails, which the presenter then forwarded to respondent for a reply.

In a May 1, 2017 e-mail, respondent finally admitted that, contrary to his earlier denial, he had agreed to represent Vaish. Respondent further stated that he did not recall whether Vaish paid him $500; he could not locate Vaish's file; if he had not been paid, he would not have filed a substitution of attorney form or filed a letter of representation; apparently, he had notified the court of his conflict on August 8, 2011, via voicemail, which "is unusual because all adjournment requests are usually made in writing;" and he tried to resolve the issue by filing a motion to reinstate the complaint.

In a June 15, 2017 letter, the presenter informed respondent that he had failed to supply any of the requested documentation, and gave him a final opportunity to provide such information, including an explanation for the October 7, 2011 court order identifying Vaish as a pro se litigant. Respondent's June 25, 2017 e-mail reply denied that he delayed providing documents and maintained that, despite his diligent efforts, he was unable to locate a retainer agreement. His reply failed to explain his failure to supply the other requested information. He asserted that he could not find Vaish's family law file, and

reiterated his explanation that, if he had not been paid, he would not have filed a letter of representation in the matter.

According to the presenter, in other communications with respondent, he expressed a willingness to return to Vaish the $500 partial fee. She informed respondent "many times" that the return of the partial fee would not affect the outcome of the ethics matter, and, further, she made clear that plea bargaining was not acceptable in ethics proceedings. The presenter explained that respondent's e-mail replies were not responsive and did not address the issues being investigated.

In her summation at the ethics hearing, the presenter argued that, by challenging established procedures for handling ethics complaints, respondent exhibited an utter disdain for the Rules of Professional Conduct, and a total lack of appreciation for the fact that the practice of law is a privilege, not a right.

The DEC found that Vaish's testimony was credible, noting that it was corroborated by the documentary evidence admitted during the hearing. The DEC, thus, found that respondent had agreed to represent Vaish in his divorce matter; that respondent had informed Vaish that he did not need to attend the ESP proceeding; that the failure to appear at ESP resulted in the dismissal of Vaish's complaint; and that respondent had represented that he would file a

motion to reinstate the complaint and file a substitution of attorney. The DEC further found that respondent had done neither, and that, as a result of respondent's inaction, Vaish suffered adverse consequences - the motion to reinstate the complaint was denied, and a final judgment of divorce and equitable distribution followed.

The DEC also found that the contents of the motion to reinstate the complaint were woefully deficient, leading the court to deny it without prejudice. Moreover, instead of refiling the motion, and curing the deficiencies, respondent took no action to advance Vaish's position. The DEC concluded, thus, that respondent's inaction violated RPC 1.1(a) and RPC 1.3.

In respect of the RPC 8.1(b) violation, the DEC observed that respondent had denied representing Vaish until he was confronted with his own e-mails to his client. Moreover, respondent had repeatedly ignored deadlines to reply to the investigator's requests for information, did not respond to direct inquiries, expressed a disdain for the disciplinary process, and suggested that Vaish should produce the documents sought and post a bond to compensate respondent for his time spent cooperating with the investigation. Finally, despite numerous reminders that his appearance was required, respondent failed to attend the DEC hearing.

The DEC, thus, determined that respondent's conduct further violated RPC 8.1(b). Although not charged in the complaint, the DEC also found that respondent violated RPC 8.1(a) (knowingly making a false statement of material fact in connection with a disciplinary matter), by claiming that he had telephoned the court to inform it of his scheduling conflict on August 8, 2011, when he had not done so, and by claiming that he had filed the motion to reinstate Vaish's complaint, when it was Vaish who filed it. The DEC noted that, although RPC 8.1(a) had not been charged in the complaint, it could "conclude" such a violation, based on the evidence produced at the hearing.

The DEC emphasized the aggravating factors that the presenter had advanced: respondent's failure to cooperate, including failing to produce his client file; his lack of candor during the investigation; his lack of contrition or remorse; and his lack of understanding of his misconduct. Finally, the DEC considered respondent's prior discipline, a 2017 reprimand and a 2018 three-month suspension. The DEC, thus, recommended a one-year suspension.

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.

Vaish's testimony and the documentary evidence submitted at the ethics hearing, specifically the e-mails between respondent and Vaish, establish that respondent undertook Vaish's representation in the divorce matter. Respondent hollowly denied this fact until he was confronted with his own e-mails to his client.

After being retained, respondent undertook almost no effort to advance Vaish's interests. He improperly informed Vaish that he need not attend the ESP proceeding, claiming a scheduling conflict. Then he misrepresented to Vaish that he had notified the court about the conflict, when he had actually taken no action to adjourn the ESP. Because neither respondent nor Vaish attended the ESP proceeding, the court dismissed Vaish's complaint and ordered that the matter proceed on the defendant's counterclaim. Respondent told Vaish not to worry, that he would get the case reinstated, and that he would execute a substitution of attorney. He failed to do either. As to his efforts to reinstate Vaish's complaint, respondent handwrote information on a motion form, presumably a form used only by pro se litigants. The information he included was inadequate, and again misrepresented that respondent had left a message with the judge's secretary about a conflict on the date of the ESP. Predictably, that motion was denied, without prejudice.

Thereafter, respondent failed to refile the motion or to take any other action to protect his client. His failure to file a substitution of attorney prevented Vaish from participating in any fashion in the equitable distribution of assets and support awards, and from learning about the proceedings relating thereto. As a result, Vaish suffered significant financial and personal harm. He was unable to afford the alimony and child support that the court awarded based on his imputed income. According to Vaish, liens were then filed against him, and he was incarcerated several times for nonpayment of his obligations.

Despite these facts, at argument before us, respondent made the untenable and obviously erroneous argument that his client had suffered no harm. Indeed, respondent suggested that we consider the absence of harm to Vaish as a mitigating factor. Respondent then denied that the damages to Vaish were solely his fault, blaming other counsel and Vaish for the poor results achieved. In addition to monetary damages, Vaish's passport was revoked and he was unable to visit his elderly parents. Respondent's conduct constituted egregious violations of RPC 1.1(a) and RPC 1.3.

Moreover, respondent once again failed to cooperate with disciplinary authorities. Initially, he purposefully avoided service of Vaish's ethics grievance. Thereafter, he made misrepresentations to the investigator; failed to

provide the documentation she repeatedly requested; failed to answer her pointed inquiries; tried to shift the burden of proof to Vaish; questioned the ethics procedures; and objected to the scope of the investigator's inquiries, likening the procedures to a "witch hunt." He then failed to attend the DEC hearing. As in Vaish's divorce matter, respondent again asserted that he had a conflict – this time he claimed, again without providing any supporting evidence, that he had two court cases pending that needed his "utmost attention." Notwithstanding the DEC chair's reminder of respondent's obligations under the Court Rules to appear at the hearing, he failed to do so. Respondent's conduct in this regard violated RPC 8.1(b) in numerous respects.

The DEC found that respondent also violated RPC 8.1(a), even though it was not charged in the complaint. Although there was ample evidence that respondent made misrepresentations to his client, to the presenter, to the DEC chair, and in the document he drafted for Vaish to file with the court, because that RPC was not specifically charged, we cannot find a violation of RPC 8.1(a) or, for that matter, RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). We do consider, however, respondent's overall conduct in assessing the appropriate quantum of discipline to impose.

The complaint failed to charge respondent with other applicable RPC violations. Specifically, RPC 1.5(b) requires attorneys to provide clients with a writing setting forth the basis or rate of the fee, unless the attorney regularly represented the client previously. Vaish testified that respondent did not provide such a writing for the divorce matter. Moreover, respondent could not locate or would not turn over such a writing for his representation of Vaish in the bankruptcy matter. Because RPC 1.5(b) was not charged, we do not find such a violation.

Further, respondent drafted a legal document for Vaish, without revealing his involvement to the court, and received payment for his effort. "Ghostwriting" generally is not permitted in New Jersey and can be viewed as a violation of RPC 3.3(a)(5) (failure to disclose to the tribunal a material fact knowing that the omission is reasonably certain to mislead the tribunal), RPC 8.4(c), and RPC 8.4(d) (conduct prejudicial to the administration of justice). Once again, respondent was not charged with this offense.

In sum, respondent is guilty of violations of RPC 1.1(a), RPC 1.3, and RPC 8.1(b). The sole issue left for determination is the appropriate discipline for respondent's misconduct.

Ordinarily, an admonition or a reprimand is imposed for conduct similar to respondent's, absent aggravating factors. See, e.g., In the Matter of Carl G. Zoecklein, DRB 16-167 (September 22, 2016) (admonition for attorney who ignored three letters from a district ethics committee investigator seeking information about a grievance; he also lacked diligence in the representation of his client and failed to communicate with him); In re Kaigh, 231 N.J. 7 (2017) (default; attorney reprimanded for failing to submit a written reply to the grievance; he also lacked diligence and failed to communicate with a client); In re Saluti, 214 N.J. 6 (2013) (reprimand for attorney who failed to reply to three letters from the district ethics committee requesting a reply to a grievance; two prior admonitions); and In re Kurts, 206 N.J. 558 (2011) (reprimand for gross neglect, lack of diligence, failure to communicate with the clients, and failure to cooperate with disciplinary authorities in two client matters; attorney also failed to enter into a written fee agreement with the clients).

In addition to respondent's violations, we ascribe significant weight to the many aggravating factors in this matter. Vaish suffered serious economic and personal harm as a result of respondent's incompetence. Specifically, he was ordered to make payments he could not afford, liens were filed against him, he

was incarcerated for nonpayment of his debts, and he lost his ability to travel overseas, which deprived him of the opportunity to visit his parents.

Moreover, in all respondent's disciplinary matters, he has exhibited a disturbing pattern of disregard and disdain for the ethics process, and a failure to learn from his past mistakes. The Court has signaled an inclination toward progressive discipline and stern treatment of repeat offenders. In such situations, as applied in three-month suspension matter, enhanced discipline is appropriate. See In re Kantor, 180 N.J. 226 (2004) (disbarment for abandonment of clients and repeated failure to cooperate with the disciplinary system).

In our view, given respondent's prior discipline for the same type of misconduct, a further enhanced term of suspension is now warranted. There is no mitigation for us to consider. Respondent appears to be unaware of the Rules governing the courts as well as the Rules of Professional Conduct. He fails to participate in court proceedings as well as ethics proceedings when it is inconvenient or against his interests to do so.

Moreover, in none of respondent's prior matters did he express credible contrition or remorse for his conduct, or even an understanding that he had engaged in misconduct. In argument before us, respondent apologized to all

involved in the process for the mistakes he had made and vowed not to take any more family law matters.

Respondent's attitude, behavior, and seeming lack of understanding of proper court procedures seriously undermine the integrity of the legal profession. On balance, based on respondent's overall conduct and his ethics history, as well as the principles of progressive discipline, we determine that a two-year suspension is the quantum of discipline necessary to protect the public and preserve confidence in the bar.

In addition, before respondent may be reinstated, he must comply with the Court's previously ordered conditions that he: practice under the supervision of an OAE-approved proctor until the OAE deems that a proctor is no longer necessary; fully cooperate with the OAE and provide proof that he has corrected his recordkeeping deficiencies; complete two ethics courses, in addition to those required for CLE credit, including a course in law office management.

Vice-Chair Gallipoli voted to recommend respondent's disbarment. Member Hoberman was recused. Member Petrou did not participate.

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
Ellen A. Brodsky
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Ali A. Ali
Docket No. DRB 19-171

Argued: July 18, 2019

Decided: December 16, 2019

Disposition: Two-Year Suspension

Members	Two-Year Suspension	Disbar	Recused	Did Not Participate
Clark	X			
Gallipoli		X		
Boyer	X			
Hoberman			X	
Joseph	X			
Petrou				X
Rivera	X			
Singer	X			
Zmirich	X			
Total:	6	1	1	1

Ellen A. Brodsky
Chief Counsel