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April 21, 2020

VIA CERTIFIED MAIL, R.R.R., REGULAR MAIL & E-MAIL

Julian D. Gonzalez
c/o Gary E. Linderoth, Esq.
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Re: In the Matter of Julian D. Gonzalez
Docket No. DRB 20-001
District Docket No. IX-2018-0016E
LETTER OF ADMONITION

Dear Mr. Gonzalez:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition for your violation of RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). The Board further determined to dismiss the charged violation of RPC 1.1(a) (gross neglect).

Specifically, in November 2015, as a newly-admitted attorney, you accepted a position as an associate attorney with Boudwin & Associates, LLC (B&A), at a salary of \$80,000 per year. Five months later, B&A changed the compensation structure for its associate attorneys, assigning a fixed number of work hours to each client project. Consequently, the assigned attorney was permitted to record only the pre-determined number of hours on his or her time sheets, regardless of the number of hours the attorney actually spent on the project. Importantly, because B&A billed its clients per service, not per hour, the number of hours that associate attorneys attributed to individual projects did not affect the clients or the amount of fees they paid B&A.

Your paycheck was substantially reduced because you were unable to complete certain projects within the allotted time. Within a few months of the change in your salary, you unsuccessfully sought employment elsewhere. In August 2016, feeling betrayed by the law firm, you began to misrepresent the number of hours you worked on projects assigned to you and the number of projects that you completed, thereby inflating your work efforts to keep your annual salary at about the \$80,000 level you originally enjoyed. A year later, in November 2017, B&A discovered that it had overpaid you approximately \$23,000 and terminated your employment.

You stipulated to having violated RPC 8.4(c) and offered no excuses for your wrongdoing. Rather, you apologized to Daniel Boudwin, the owner of the law firm, and within three weeks of your firing, you fully reimbursed Boudwin by depleting the funds in your 401(k) account and borrowing funds from a family friend. At the ethics hearing, the presenter conceded that no facts supported the RPC 1.1(a) charge, which was not pursued below. For lack of clear and convincing evidence, the Board dismissed the charge that you engaged in gross neglect.

In imposing only an admonition, the Board considered that, in March 2016, just one month before the scalable pay change, your father experienced serious health issues and that, shortly thereafter, your mother, too, was diagnosed with a serious medical condition. Also, during that time, your wife became pregnant with your first child. Anxious that you might be financially unable to assist your parents with their medical bills and to provide for your own growing family, you engaged in misconduct.

In a February 6, 2019 letter to the District IX Ethics Committee, Boudwin described you as an outstanding attorney who had performed admirably until the incident that forced your departure from the firm. Boudwin also urged disciplinary authorities to consider the following when determining whether to impose discipline: (1) you performed outstanding legal work and were well-regarded by clients and staff; (2) no client or firm member had complained about you; (3) although Boudwin initially was angry upon learning of your actions, you then explained yourself to him, took full responsibility for your actions, were remorseful, and repaid him within weeks and without dispute; (4) no clients' cases were impacted by your actions; and (5) no client funds were involved, as you were paid from B&A's operating account. Boudwin asked "for leniency and privacy" for you and, "as the sole victim in this matter," hoped that disciplinary authorities would assign significant weight to the mitigation he presented. In further mitigation, the Board considered that you were a newly admitted, twenty-six-year-old attorney at the time of your behavior.

Your conduct has adversely reflected not only on you as an attorney but also on all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

April 21, 2020

Page 3 of 3

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, this admonition will be taken into consideration.

The Board also has directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded to you under separate cover.

Very truly yours,

For: Ellen A. Brodsky

Ellen A. Brodsky
Chief Counsel

EAB/paa

- c: Chief Justice Stuart Rabner
Associate Justices
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Supreme Court of New Jersey
Bruce W. Clark, Chair
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Gail G. Haney, Deputy Clerk
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Isabel McGinty, Statewide Ethics Coordinator
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Robert K. Marchese, Presenter
Jordan Sworen, Grievant (regular mail)