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OF THE
SUPREME COURT OF NEW JERSEY

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March 1, 2021

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

Re: **In the Matter of Louis Anthony Simoni**
Docket No. DRB 20-282
District Docket No. XIV-2018-0301E

Dear Ms. Baker:

The Disciplinary Review Board has reviewed the motion for discipline by consent (admonition) filed by the Office of Attorney Ethics (OAE) in the above matter, pursuant to R. 1:20-10(b). Following a review of the record, the Board granted the motion and determined to impose an admonition for respondent's violation of RPC 1.15(d) (failure to comply with the recordkeeping requirements of R. 1:21-6). The Board also imposed the condition that respondent complete, within six months of the date of this letter, the OAE's continuing legal education (CLE) course on recordkeeping, which is next offered in April 2021.

Specifically, according to the stipulation, on February 19, 2019, the OAE proposed a diversionary agreement (the Agreement) for respondent. Pursuant to the Agreement, respondent was required to complete, within six months, the New Jersey State Bar Association's Diversionary CLE Program (the Diversionary Program), and a New Jersey Trust and Business Account CLE program. The Agreement further provided that, if respondent failed to comply with its terms, the OAE would file a formal ethics complaint. On June 6, 2019, respondent attended the New Jersey Trust and Business Account CLE. Twice, however, respondent failed to complete the scheduled Diversionary Program.

On December 20, 2019, the OAE filed a formal ethics complaint against respondent, alleging that he failed to maintain required financial records, in violation of RPC 1.15(d) and R. 1:21-6, and failed to cooperate with the OAE, in violation of RPC 8.1(b). On January 27,

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2020, respondent filed an answer, admitting the allegations of the complaint and offering mitigation.

The Board considered imposing upon respondent the condition that he complete the Diversionary Program, as he agreed to do pursuant to the Agreement. However, respondent had claimed that, in one instance, he did not complete the Diversionary Program due to the cost of the program (more than \$400). Following a discussion between the Office of Board Counsel and the OAE, it was determined that, for recordkeeping violations, the OAE recordkeeping CLE would be not only more constructive to impose as a condition, but also less cost to respondent. Thus, the Board determined to impose the condition that respondent partake in the OAE recordkeeping CLE, rather than the Diversionary Program.

The instant motion and stipulation superseded the complaint and answer, and the OAE confirmed that it had withdrawn the RPC 8.1(b) charge. The parties further stipulated to the following mitigating factors: respondent's unblemished ethics record since 2005; his lack of pecuniary motive for his recordkeeping violations and failure to comply with the diversionary agreement; his prompt admission of wrongdoing; and the lack of injury to respondent's clients. The parties cited no aggravating factors.

The Board determined that, on balance, and admonition is a sufficient quantum of discipline to protect the public and preserve confidence in the bar.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated September 30, 2020.
2. Stipulation of discipline by consent, dated September 30, 2020.
3. Affidavit of consent, dated September 11, 2020.
4. Ethics history, dated February March 1, 2021.

Very truly yours,



Johanna Barba Jones
Chief Counsel

JBj/jm
Enclosures

c: see attached list

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(w/o enclosures)

Bruce W. Clark, Chair

Disciplinary Review Board (e-mail)

Charles Centinaro, Director

Office of Attorney Ethics (e-mail and interoffice mail)

Lauren Martinez, Deputy Ethics Counsel

Office of Attorney Ethics (e-mail)

Louis A. Simoni, Respondent (e-mail and regular mail)