Supreme Court of New Jersey
Disciplinary Review Board
Docket No. DRB 20-074
District Docket No. XIV-2019-0408E

In the Matter of	:
Yohan Choi	:
An Attorney at Law	:

Decision

Argued: September 17, 2020

Decided: March 24, 2021

Ashley Kolata-Guzik appeared on behalf of the Office of Attorney Ethics.

Richard E. Mischel 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), pursuant to R. 1:20-14(a), following respondent's voluntary resignation from the New York bar and resulting, March 13, 2019 disbarment in that state. Respondent submitted his resignation to the Supreme Court of the State of New York, Appellate Division, Second

Department (the Second Department), after New York disciplinary authorities uncovered evidence that he had continued to practice law after he had been suspended in that state.

The OAE asserted that respondent violated the equivalents of New Jersey RPC 3.3(a)(1) (false statement of material fact or law to a tribunal); RPC 5.5(a)(1) (unauthorized practice of law – practicing law while suspended); 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 OAE's motion and impose a two-year suspension.

Respondent earned admission to the New Jersey bar in 2003 and to the New York bar in 2002. Until his suspension and ultimate disbarment in New York, he maintained an office for the practice of law in Flushing, New York.

On July 22, 2019, respondent was suspended for two years, in New Jersey, on a motion for final discipline, following his guilty plea and conviction, in the United States District Court for the Eastern District of New York, to one count of conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956, and one count of knowingly and willfully making a materially false, fictitious, or fraudulent statement or representation to Homeland Security Investigations,

an arm of the United States Department of Homeland Security, in violation of 18 U.S.C. § 1001(a)(2). In re Choi, 239 N.J. 68 (2019). The Court imposed the suspension retroactively to May 2, 2018, the date of respondent's New Jersey temporary suspension following his conviction. He remains suspended to date.

On March 13, 2019, respondent was disbarred in New York, following his admission that he practiced law while suspended and failed to comply with New York's rules governing suspended attorneys.

On November 20, 2017, following his federal convictions, the Second Department suspended respondent, for an indefinite term, from the practice of law. The suspension order specifically prohibited respondent from practicing law in any form, appearing as an attorney before any court, or holding himself out as an attorney in any way. On November 28, 2017, the Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts in New York (the Committee) served the suspension order on respondent's counsel. On April 20, 2018, the Committee commenced a formal disciplinary proceeding against respondent due to his misconduct while suspended from the practice of law. The verified petition charged respondent with three violations of New York's RPC 8.4(d) (conduct prejudicial to the administration of justice).

Specifically, the Committee alleged that, while suspended, respondent represented a client in a matter in the Supreme Court of New York, Queens

County. On January 5, 2018, respondent filed a Note of Issue with Certificate of Readiness for Trial & Affirmation (the Affirmation) with the Supreme Court of New York, Queens County on behalf of the client. In the Affirmation, respondent certified to the court that he was "an attorney duly admitted to practice law in the Courts of the State of New York."

Further, the Committee alleged that, while suspended, respondent maintained a website for his law firm that advertised various legal services, contained respondent's biography, and stated that he was an attorney admitted to practice in the State of New York. Pursuant to 22 N.Y.C.R.R. § 1240.15(d), a suspended or disbarred attorney is required to "discontinue all public and private notices . . . that assert that the respondent may engage in the practice of law." Despite his suspension, respondent maintained his law firm's website until at least March 7, 2018, more than three months after the imposition of his suspension.

Finally, following his suspension, respondent failed to comply with New York's affidavit of compliance rule 22 N.Y.C.R.R. § 1240.15(f), which requires a suspended or disbarred attorney to file with the court, within forty-five days of the imposition of the suspension, an affidavit setting forth the attorney's current mailing address, and certifying that the attorney has complied with the suspension order and all other applicable rules. At the time the Committee filed

its verified petition, more than four months after the issuance of the suspension order, respondent had failed to file his affidavit of compliance.

On June 14, 2018, respondent submitted an affidavit in response to the allegations and requested to voluntarily resign while the disciplinary proceedings were pending. Respondent's affidavit acknowledged the disciplinary charges against him, conceded that he could not successfully defend the charges, and admitted that his misconduct had violated New York RPC 8.4(d). Further, he acknowledged that, if the Court accepted his resignation, he would be disbarred from the practice of law in the State of New York.

On November 15, 2018, during oral argument before us in respondent's prior matter (DRB 18-234), respondent's counsel stated that the Second Department had not yet issued a final order and, thus, the New York disciplinary matter remained pending. In the Matter of Yohan Choi, DRB 18-234 (December 28, 2018) (slip op. 2-3). Counsel subsequently informed us that respondent had offered to resign from the New York bar, an offer that the Second Department could have either accepted or rejected.

On March 13, 2019, the Second Department issued an order granting respondent's request to voluntarily resign, disbarring him from the practice of law in New York. Respondent failed to inform the OAE of his disbarment.

Based on these facts, the OAE asserted that respondent's unethical conduct equates to violations of RPC 3.3(a)(1); RPC 5.5(a)(1); RPC 8.1(b); RPC 8.4(c); and RPC 8.4(d). Citing R. 1:20-14(a)(4), the OAE maintained that respondent's conduct in New York warrants substantially different discipline in New Jersey. The OAE, thus, urged the imposition of a one-year suspension, primarily relying on In re Streit, 236 N.J. 118 (2018), and In re Nihamin, 235 N.J. 144 (2018), detailed below, wherein both attorneys received a one-year suspension.

In turn, respondent requested that we grant the OAE's motion and impose a one-year suspension, retroactive to May 2, 2020, the date that his two-year suspension in DRB 18-234 would have ended. In support of this request, respondent's counsel offered further explanation regarding respondent's conduct during his suspension and mitigation.

Specifically, respondent's counsel conceded that respondent had submitted the Affirmation asserting that he was licensed to practice law in the State of New York during his period of suspension; however, he maintained that respondent did so only to protect his client's interests. Specifically, respondent's counsel asserted that action was needed to preserve the client's rights and to forestall dismissal of the case, and that, at the time, respondent's law partner was unavailable, leaving respondent no choice but to act on his client's behalf.

Regarding the firm's website, respondent's counsel conceded that the law firm website was still active during respondent's suspension but asserted that respondent had "dismantled" the website prior to the filing of the ethics charges.

As to respondent's failure to file the affidavit of compliance with the court, counsel argued that respondent could not have ethically or lawfully filed that affidavit, because he would have faced charges of perjury since he had not complied with the guidelines of his suspension.

Counsel took responsibility for respondent's failure to notify the OAE of his New York disbarment. At the time of respondent's disbarment, counsel's longtime secretary had passed away, and the transitions within counsel's office resulted in the failure to notify the OAE.

Finally, in mitigation, counsel and the OAE agreed that respondent has expressed remorse, and has fully accepted responsibility for his misconduct, emphasizing his voluntary resignation from the practice of law in the State of New York.

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 New York, the standard of proof for determining an attorney's professional misconduct is a fair preponderance of the evidence. See In re Capoccia, 453 N.E.2d 497, 498 (N.Y. 1983). We note that, in his New York disciplinary proceedings, respondent stipulated to his misconduct and to the quantum of discipline – disbarment – to be imposed in that jurisdiction.

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;
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> (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;
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> (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.

Subsection (E) applies in this matter because, pursuant to New Jersey precedent, respondent's unethical conduct warrants substantially different discipline. For the reasons set forth below, we grant the OAE's motion for reciprocal discipline and impose a two-year suspension.

The Second Department accepted respondent's resignation from the bar, which was premised on respondent's admission that he had practiced law during his suspension, among other misconduct. Under 22 N.Y.C.R.R. § 1240.10(a) of the Rules for Attorney Disciplinary Matters, an attorney who is subject to a disciplinary investigation may be permitted to resign from the New York bar.

Under New York's rules, upon the acceptance of an attorney's voluntary resignation while under disciplinary investigation, the attorney is disbarred. 22 N.Y.C.R.R. § 1240.10(a). See also, In re Hesterberg, 50 N.Y.S. 3d 165 (2017), and In re Frazer, 290 A.D. 2d 68, 69, 735 N.Y.S. 2d 603, 604 (N.Y. App. Div. 2001).[1]

[1] As a general rule, New York attorneys who practice law while suspended are disbarred. See, e.g., In re Hyde, 148 A.D. 3d 9, 44 N.Y.S. 3d 410 (N.Y. App. Div. 2017), and In re Rosabianca, 131 A.D. 3d 215 (N.Y. App. Div. 2015).

In New York, attorneys who resign while under disciplinary investigation and are disbarred are permitted to seek reinstatement seven years after the effective date of the disbarment. 22 N.Y.C.R.R. § 1240.16(c).

Here, respondent continued to practice law, despite knowing that he had been suspended due to his federal criminal convictions and falsely attested to a court that he was authorized to practice law. Specifically, in respondent's voluntary resignation, he admitted that he knowingly practiced law while suspended by submitting the Affirmation for his client, representing to the court that he was authorized to practice law. By filing the Affirmation, as well as his representation that he was duly authorized to practice law, when he knew he was not, respondent violated RPC 3.3(a)(1), RPC 5.5(a)(1), and RPC 8.4(c).

Respondent also failed to comply with the suspension order and applicable New York rules governing suspended attorneys. Specifically, respondent failed to comply with 22 N.Y.C.R.R. § 1240.15(d), which prohibits public or private assertions that a suspended or disbarred attorney may engage in the practice of law, and 22 N.Y.C.R.R. § 1240.15(f), which requires a suspended or disbarred attorney to file an affidavit of compliance within forty-five days of suspension or disbarment.

Similar to 22 N.Y.C.R.R. § 1240.15(d), New Jersey R. 1:20-20(b)(8) requires that a suspended attorney "promptly request . . . all websites on which

the attorney's name appears, to remove any listing indicating that that attorney is a member of the New Jersey Bar in good standing." Respondent's failure to remove information from his law firm's website purporting that he was licensed to practice law in the State of New York would similarly violate this Rule. Further, R. 1:20-20(c) provides that a suspended attorney's "[f]ailure to comply fully and timely with the obligations of this rule" constitutes a violation of RPC 8.1(b) and RPC 8.4(d). Respondent's failure to remove the law firm website constitutes per se violations of RPC 8.1(b) and RPC 8.4(d).

Additionally, similar to 22 N.Y.C.R.R. § 1240.15(f), R. 1:20-20(b)(15) requires a suspended attorney, within thirty days of the Order of suspension, to "file with the Director [of the OAE] the original of a detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court's order." The failure to file an affidavit of compliance pursuant to R. 1:20-20(b)(15) within the time prescribed "constitute[s] a violation of RPC 8.1(b) . . . and RPC 8.4(d)." R. 1:20-20(c). Respondent's failure to file the affidavit constitutes additional per se violations of RPC 8.1(b) and RPC 8.4(d).

In sum, we find that respondent violated RPC 3.3(a)(1); RPC 5.5(a)(1); RPC 8.1(b); RPC 8.4(c); and RPC 8.4(d). The only remaining issue for our

determination is the appropriate quantum of discipline to be imposed for respondent's misconduct.

Generally, the discipline imposed on an attorney who makes misrepresentations to a court or exhibits a lack of candor to a tribunal, or both, ranges from a reprimand to a long-term suspension. See, e.g., In re Marraccini, 221 N.J. 487 (2015) (reprimand imposed on attorney who attached to approximately fifty eviction complaints, filed on behalf of a property management company, verifications that had been pre-signed by the manager, who had since died; the attorney was unaware that the manager had died and, upon learning that information, withdrew all complaints; violations of RPC 3.3(a), RPC 8.4(c), and RPC 8.4(d); in mitigation, we found that the attorney's actions were motivated by a misguided attempt at efficiency, rather than by dishonesty or personal gain); In re Monahan, 201 N.J. 2 (2010) (attorney censured for submitting two certifications to a federal district court in support of a motion to extend the time within which to file an appeal; the attorney misrepresented that, when the appeal was due to be filed, he was seriously ill and confined to his home on bed rest and, therefore, either unable to work or unable to prepare and file the appeal, a violation of RPC 3.3(a)(1); the attorney also practiced law while ineligible); In re Trustan, 202 N.J. 4 (2010) (three-month suspension for attorney who, among other things, submitted to the court

a client's case information statement that falsely asserted that the client owned a home, and drafted a false certification for the client, which was submitted to the court in a domestic violence trial; violations of RPC 3.3(a)(1) and (4); other violations included RPC 1.8(a) and (e), RPC 1.9(c), and RPC 8.4(a), (c), and (d)); In re Forrest, 158 N.J. 428 (1999) (six-month suspension imposed on attorney who, in connection with a personal injury action involving injured spouses, failed to disclose the death of one of his clients to the court, to his adversary, and to an arbitrator, and advised the surviving spouse not to voluntarily reveal the death; violations of RPC 3.3(a)(5), RPC 3.4(a), and RPC 8.4(c); the attorney's motive was to obtain a personal injury settlement); In re Cillo, 155 N.J. 599 (1998) (one-year suspension for attorney who, after misrepresenting to a judge that a case had been settled and that no other attorney would be appearing for a conference, obtained a judge's signature on an order dismissing the action and disbursing all escrow funds to his client; the attorney knew that at least one other lawyer would be appearing at the conference and that a trust agreement required that at least $500,000 of the escrow funds remain in reserve; violations of RPC 3.3(a)(1) and (2), RPC 3.5(b), and RPC 8.4(c) and (d); two prior private reprimands [now admonitions]); and In re Kornreich, 149 N.J. 346 (1997) (three-year suspension for attorney who had been involved in an automobile accident and then misrepresented to the police, to her lawyer, and

to a municipal court judge that her babysitter had been operating her vehicle; the attorney also presented false evidence in an attempt to falsely accuse the babysitter of her own wrongdoing; violations of RPC 3.3(a)(4), RPC 3.4(f), and RPC 8.4(b)-(d)).

The level of discipline for practicing law while suspended ranges from a lengthy suspension to disbarment, depending on the presence of other misconduct, the attorney's disciplinary history, and aggravating or mitigating factors. See, e.g., In re Streit, 236 N.J. 118 (one-year suspension imposed on attorney who continued to practice law, appearing in family and criminal court, after he received a six-month suspension in New York; he also failed to file the affidavit of compliance in accordance with the suspension order; no prior discipline); In re Nihamin, 235 N.J. 144 (one-year suspension imposed on attorney who continued to practice law by discussing client matters with law firm personnel after he received a three-month suspension in New York; prior admonition and three-month suspension arising from conviction of third-degree misapplication of entrusted property); In re Wheeler, 140 N.J. 321 (1995) (two-year suspension imposed on attorney who practiced law while serving a temporary suspension for failure to refund a fee to a client; the attorney also made multiple misrepresentations to clients, displayed gross neglect and pattern of neglect, engaged in negligent misappropriation and in a conflict of interest

situation, and failed to cooperate with disciplinary authorities);[2] In re Marra, 183 N.J. 260 (2005) (three-year suspension for attorney found guilty of practicing law in three matters while suspended; the attorney also filed a false affidavit with the Court stating that he had refrained from practicing law during a prior suspension; the attorney had received a private reprimand, a reprimand, two three-month suspensions, a six-month suspension, and a one-year suspension also for practicing law while suspended); In re Cubberley, 178 N.J. 101 (2003) (three-year suspension for attorney who solicited and continued to accept fees from a client after he had been suspended, misrepresented to the client that his disciplinary problems would be resolved within one month, failed to notify the client or the courts of his suspension, failed to file the affidavit of compliance required by Rule 1:20-20(a), and failed to reply to the OAE's requests for information; the attorney had an egregious disciplinary history: an admonition, two reprimands, a three-month suspension, and two six-month suspensions); In re Walsh, Jr., 202 N.J. 134 (2010) (attorney disbarred in a default case for practicing law while suspended by attending a case conference and negotiating a consent order on behalf of five clients and making a court appearance on behalf of seven clients; the attorney also was guilty of gross neglect, lack of diligence,

[2] In that same Order, the Court imposed a retroactive one-year suspension, on a motion for reciprocal discipline, for the attorney's retention of unearned retainers, lack of diligence, failure to communicate with clients, and misrepresentations.

failure to communicate with a client, and failure to cooperate with disciplinary authorities during the investigation and processing of the grievances; the attorney failed to appear on an order to show cause before the Court; extensive disciplinary history: reprimanded in 2006, censured in 2007, and suspended twice in 2008); and In re Olitsky, 174 N.J. 352 (2002) (attorney disbarred after he was suspended and agreed to represent four clients in bankruptcy cases, did not notify them that he was suspended from practice, charged clients for the prohibited representation, signed another attorney's name on the petitions without that attorney's consent and then filed the petitions with the bankruptcy court; in another matter, after the attorney was suspended, he agreed to represent a client in a mortgage foreclosure, accepted a fee, and took no action on the client's behalf; in yet another matter, the attorney continued to represent a client in a criminal matter after the attorney's suspension; the attorney also made misrepresentations to a court and was convicted of stalking a woman with whom he had had a romantic relationship; prior private reprimand, admonition, two three-month suspensions, and two six-month suspensions).

The threshold measure of discipline imposed for an attorney's failure to file a R. 1:20-20(b)(15) affidavit is a reprimand. In re Girdler, 179 N.J. 227 (2004); In the Matter of Richard B. Girdler, DRB 03-278 (November 20, 2003) (slip op. at 6). The actual discipline imposed may be different, however, if the

record demonstrates mitigating or aggravating circumstances. Ibid. Examples of aggravating factors include the attorney's failure to answer the complaint, the existence of a disciplinary history, and the attorney's failure to follow through on his or her promise to the OAE that the affidavit would be forthcoming. Ibid.

In Girdler, the attorney received a three-month suspension, in a default matter, for his failure to comply with R. 1:20-20(b)(15). Specifically, after prodding by the OAE, Girdler failed to produce the affidavit of compliance in accordance with that Rule, even though he had agreed to do so. The attorney's disciplinary history consisted of a private reprimand, a reprimand, and a three-month suspension in a default matter.

Conduct prejudicial to the administration of justice comes in a variety of forms, and the discipline imposed for the misconduct typically results in discipline ranging from a reprimand to a suspension, depending on other factors present, including the existence of other violations, the attorney's ethics history, whether the matter proceeded as a default, the harm to others, and mitigating or aggravating factors. See, e.g., In re Cerza, 220 N.J. 215 (2015) (reprimand imposed on an attorney who failed to comply with an order requiring him to produce subpoenaed documents in a bankruptcy matter, a violation of RPC 3.4(c) and RPC 8.4(d); he also exhibited a lack of diligence and failed to promptly turn over funds to a client or third person, violations of RPC 1.3 and

RPC 1.15(b)); In re D'Arienzo, 207 N.J. 31 (2011) (censure for an attorney who failed to appear in municipal court for a scheduled criminal trial, and thereafter failed to appear at two orders to show cause stemming from his failure to appear at the trial; by scheduling more than one matter for the trial date, the attorney inconvenienced the court, the prosecutor, the complaining witness, and two defendants; in addition, the attorney's failure to provide the court with advance notice of his conflicting calendar prevented the judge from scheduling other cases for that date; prior three-month suspension and two admonitions plus failure to learn from similar mistakes justified a censure); In re DeClemente, 201 N.J. 4 (2010) (three-month suspension for an attorney who arranged three loans to a judge in connection with his own business, failed either to disclose to opposing counsel his financial relationship with the judge or to ask the judge to recuse himself, made multiple misrepresentations to the client, engaged in an improper business transaction with the client, and engaged in a conflict of interest); In re Block, 201 N.J. 159 (2010) (six-month suspension where the attorney violated a court order that he had drafted by failing to transport his client from prison to a drug treatment facility, instead he left the client at a church while he made a court appearance in an unrelated case; the client fled and encountered more problems while on the run; the attorney also failed to file an affidavit in compliance with R. 1:20-20, failed to cooperate with disciplinary

authorities, failed to provide clients with writings setting forth the basis or rate of the fees, lacked diligence, engaged in gross neglect, and failed to turn over a client's file; prior reprimand and one-year suspension); and In re Bentivegna, 185 N.J. 244 (2005) (motion for reciprocal discipline; two-year suspension for an attorney who was guilty of making misrepresentations to an adversary, negotiating a settlement without authority, filing bankruptcy petitions without authority to do so and without notifying her clients, signing clients' names to documents, making misrepresentations in pleadings filed with the court, and violating a bankruptcy rule prohibiting the payment of fees before paying filing fees; the attorney was guilty of conduct prejudicial to the administration of justice, gross neglect, failure to abide by the client's decisions concerning the objectives of the representation, failure to communicate with clients, excessive fee, false statement of material fact to a tribunal, and misrepresentations).

Here, respondent's most serious misconduct was practicing law while suspended. In seeking a one-year suspension, the minimum sanction for such misconduct, the OAE argued that respondent's conduct was most akin to that of the attorneys in Streit and Nihamin. Like the attorney in Streit, respondent's practice while suspended was minimal, and both attorneys failed to file the affidavit of compliance in accordance with their respective suspension orders. Respondent, however, also intentionally made a false statement of material fact

to a tribunal, failed to cooperate with disciplinary authorities, and engaged in conduct prejudicial to the administration of justice. Nihamin also involved an issue of misrepresentation but, unlike respondent, Nihamin did not lie about his suspension to a client or court. Instead, he was less than candid with the New York disciplinary authorities when he stated that he was not personally or directly involved in the law firm's practice of law, despite the fact that he was communicating with his office about client matters. The OAE's disciplinary recommendation also ignores the impact of respondent's prior discipline – a suspension for the commission of federal crimes.

As Walsh and Olitsky illustrate, sanctions as severe as a long-term suspension or disbarment have been imposed where the attorney represented several clients while suspended and committed additional misconduct. In the three-year suspension cases, all the attorneys lied about their suspensions, albeit either to clients (Cubberley and Wheeler) or the courts (Marra). In the case of Marra, the attorney filed a false affidavit with the court stating that he had refrained from practicing law during a prior suspension. All those attorneys, however, had egregious disciplinary histories, an aggravating factor not present here.

We previously found that, in cases in which a one-year suspension was imposed, the attorneys actively engaged in the practice of law. Substantial

mitigating factors were present, however, absent which a lengthier suspension would have been imposed.

In respect of mitigation, respondent has expressed remorse and fully accepted responsibility for his misconduct, as illustrated by his voluntary resignation from the practice of law in the State of New York. Further, respondent's counsel has explained some of the aggravating factors: taking responsibility for respondent's failure to notify the OAE of his New York disbarment and asserting that respondent's submission of the Affirmation was not for personal gain but, rather, was a misguided effort to protect his client's rights.

In aggravation, however, respondent previously has been disciplined for committing federal crimes. Despite the gravity of his circumstances, respondent intentionally committed further misconduct, by practicing law while suspended for his criminal convictions.

On balance, we determine that the appropriate quantum of discipline is a two-year suspension. Moreover, despite respondent's request that we do so, there is no basis to apply that discipline retroactively.

Vice-Chair Gallipoli voted to recommend respondent's disbarment.

Members Joseph and Rivera 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: **/s/ Timothy M. Ellis**
Timothy M. Ellis
Acting Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Yohan Choi
Docket No. DRB 20-074

Argued: September 17, 2020

Decided: March 24, 2021

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	0	2

/s/ Timothy M. Ellis
Timothy M. Ellis
Acting Chief Counsel