

5.5(a)(1) (two instances – engaging in the unauthorized practice of law). In his verified answer to the complaint, respondent admitted having committed the charged ethics violations, but denied that he had done so knowingly.

For the reasons set forth below, we determine to impose an admonition.

Respondent earned admission to the New Jersey and Pennsylvania bars in 2002 and to the New York bar in 2003. In 2013, he received a reprimand for engaging in a conflict of interest and conduct prejudicial to the administration of justice. In re Warren, 214 N.J. 1 (2013). In that matter, respondent was assigned to represent a client in a municipal court matter involving theft charges filed by her mother. He had sexual relations with the client, knowing that she was involved in a custody dispute with her former husband, was undergoing methadone withdrawal, and had a significant psychiatric history. In the Matter of Bruce K. Warren, Jr., (DRB 12-360) (April 4, 2013) (slip op. at 3-5).

At all times relevant, respondent maintained an office for the practice of law in Westville, New Jersey.

Respondent was ineligible to practice law in New Jersey from October 20 to October 30, 2017, and, again, from October 22 to October 25, 2018, based on noncompliance with his Interest on Lawyers Trust Account requirements. In addition, respondent was ineligible to practice law from October 30 to

November 17, 2017, based on noncompliance with his Continuing Legal Education (CLE) requirements.

During respondent's 2017 period of ineligibility, he appeared in court twice. On October 24, 2017, he served as municipal prosecutor for the Pine Hill Municipal Court, and, on a date between October 20 and November 17, 2017, he appeared in the Superior Court of Gloucester County in connection with a domestic violence case.

Based on these facts, the DEC filed the formal ethics complaint, charging respondent with two instances of violating RPC 5.5(a)(1). In his answer to the formal ethics complaint, respondent admitted that he violated RPC 5.5(a)(1) by twice practicing law while ineligible. The complaint did not allege that respondent knowingly engaged in the unauthorized practice of law. Although respondent admitted that he practiced law while ineligible, he denied that he did so knowingly or continued to do so once he had knowledge of his ineligibility.

In mitigation, respondent asserted that he represented clients in a civil action against the grievant, who has stalked and harassed both him and his family; that he took a leave of absence from the Pine Hill Municipal Court pending the resolution of this matter; and that he did not reapply for the position in 2019. In connection with any required re-hearing of cases heard during his appearance as prosecutor in the Pine Hill Municipal Court while he was

ineligible, respondent has offered to pay the postage and costs to send notice to all parties who appeared during that court session, and to pay the costs of the judge and public defender if an additional “non-court” night is required. Moreover, according to respondent, the current Pine Hill Municipal Court prosecutor has agreed to cover any necessary sessions without a fee.

Finally, respondent claimed that his CLE ineligibility resulted from his misunderstanding that the Pennsylvania authorities would report to the corresponding New Jersey authorities proof of his completion of CLE credits; the ineligibility did not result from his failure to complete the courses.

Following our review, we are satisfied that the record clearly and convincingly establishes that respondent was guilty of unethical conduct.

Specifically, we determine that respondent twice violated RPC 5.5(a)(1). As respondent admitted, he practiced law while ineligible to do so on two dates in 2017 – once as municipal court prosecutor and once as counsel to a party in Superior Court. Respondent, however, asserted that he did not do so knowingly, and ceased practicing law once he learned of his ineligibility. The complaint did not allege that he did so knowingly and, thus, that material fact is not in dispute.

In sum, we find that respondent twice violated RPC 5.5(a)(1). The only remaining issue for our determination is the appropriate quantum of discipline to be imposed for respondent’s misconduct.

Ordinarily, when an attorney practices while ineligible, and is unaware of the ineligibility, an admonition will be imposed. See, e.g., In the Matter of Jonathan A. Goodman, DRB 16-436 (March 22, 2017) (attorney practiced law during two periods of ineligibility; he was unaware of his ineligibility); In the Matter of James David Lloyd, DRB 14-087 (June 25, 2014) (attorney practiced law during an approximate thirteen-month period of ineligibility; among the mitigating factors considered was his lack of knowledge of the ineligibility); and In the Matter of Adam Kelly, DRB 13-250 (December 3, 2013) (during a two-year period of ineligibility for failure to pay the annual assessment to the New Jersey Lawyers' Fund for Client Protection, the attorney handled at least seven cases that the Public Defender's Office had assigned to him; in mitigation, the record contained no indication that the attorney was aware of his ineligibility, and he had no history of discipline since his 2000 admission to the New Jersey bar).

Here, there is no evidence that respondent was aware of his ineligibility when he engaged in the misconduct under scrutiny. Consequently, an admonition is implicated for his misconduct.

In crafting the appropriate quantum of discipline, however, we must also consider mitigating and aggravating factors. In mitigation, respondent promptly

admitted his wrongdoing. In aggravation, respondent received a reprimand, in 2013, for dissimilar misconduct.

On balance, we determine that an admonition is the appropriate measure of discipline to protect the public and preserve confidence in the bar.

Vice-Chair Gallipoli and Members Boyer, Petrou, and Zmirich voted to impose a reprimand.

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 Bruce K. Warren, Jr.
Docket No. DRB 20-130

Argued: October 15, 2020

Decided: April 23, 2021

Disposition: Admonition

<i>Members</i>	Admonition	Reprimand	Recused	Did Not Participate
Clark	X			
Gallipoli		X		
Boyer		X		
Hoberman	X			
Joseph	X			
Petrou		X		
Rivera	X			
Singer	X			
Zmirich		X		
Total:	5	4	0	0

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