Supreme Court of New Jersey
Disciplinary Review Board
Docket No. DRB 21-133
District Docket No. IIIA-2017-0005E

In the Matter of	:
Douglas James Hull	:
An Attorney at Law	:

Decision

Argued: October 21, 2021

Decided: December 8, 2021

Karin K. Sage appeared on behalf of the District IIIA Ethics Committee.

Robert E. Ramsey 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 recommendation for a reprimand filed by the District IIIA Ethics Committee (the DEC). The formal ethics complaint charged respondent with having violated RPC 1.3 (lack of diligence); RPC 1.4(b) (failure to communicate with a client); RPC 1.15(b) (two instances –

failure to promptly deliver to the client or third person any funds or property the client or third person is entitled to receive); RPC 5.3(b) (failure to supervise a nonlawyer assistant); and RPC 5.3(c)(2) (lawyer shall be responsible for conduct of a nonlawyer employee that would be a violation of the Rules of Professional Conduct if engaged in by the lawyer under certain circumstances).

For the reasons set forth below, we determine to impose a reprimand.

Respondent earned admission to the New Jersey bar in 1974. Until October 26, 2016, he was an attorney with Novy & Associates, LLC, located in Manchester, New Jersey. Currently, respondent maintains a law practice in Pine Beach, New Jersey.

On February 21, 2018, we imposed an admonition on respondent for his violation of RPC 1.3 in connection with his handling of an estate matter. In the Matter of Douglas J. Hull, DRB No. 17-376 (February 21, 2018). In that matter, respondent acknowledged that he failed to complete the administration of an estate for over two years. We determined that respondent's conduct violated RPC 1.3 but did not rise to the level of gross neglect (RPC 1.1(a)) or a pattern of neglect (RPC 1.1(b)) and, thus, dismissed those charges. We also dismissed charges that respondent had violated RPC 1.2(a) (failure to abide by the client's decision regarding the scope of representation), RPC 1.4(b), and RPC 1.5(a) (unreasonable fee), finding that the "facts did not support a finding that

[respondent] failed to abide by [the] co-executrixes' decision regarding the scope of the representation;" that, although he "tarried in carrying out [his] duties, [his] conduct was wholly within the scope of the representation;" and the failure to communicate charge "was not sustained, as there was adequate communication."

In this case, on April 8, 2019, respondent, through his attorney Robert Ramsey, Esq., submitted a verified answer to the March 14, 2019 complaint in which he either admitted each allegation or stated that he was without personal knowledge to provide a truthful response, but did not doubt the reliability of the allegation.

Prior to the hearing, the parties entered into two stipulations: (1) a stipulation of facts, titled "Stipulated Facts," and (2) a stipulation titled "Hull RPC Violations," in which respondent acknowledged that his conduct violated RPC 1.3; RPC 1.4(b); RPC 1.15(b) (two instances); RPC 5.3(b); and RPC 5.3(c)(2). Both stipulations, which are unsigned, were read into the record and respondent acknowledged each paragraph. Respondent also testified in mitigation.

The facts of the case are as follows. On or around March 18, 2011, the grievant, Susan Valeri, retained respondent to assist her with the administration of an estate for which she was executrix. Respondent also was retained to assist

Valeri in creating two trusts – for the decedent's daughter and granddaughter – for which Valeri was to serve as the sole trustee. Respondent placed all the estate's assets into a dedicated subaccount of the Novy & Associates attorney trust account.[1]

On or about January 28, 2015, Valeri spoke with Dimitrius Skevakis, a paraprofessional with respondent's law firm who had been assigned to assist with Valeri's estate.[2] Skevakis informed Valeri that the estate should be finalized by January 30, 2015. In March 2015, refunding bonds and releases were prepared for distributions from the estate to the two trusts and, per the terms of the will, for a partial distribution to the decedent's daughter. On May 7, 2015, respondent sent a check to the decedent's daughter, representing her partial distribution, which the daughter received. Also on May 7, 2015, respondent sent two checks to Valeri to be deposited in the trust accounts for the

[1] This arrangement violated R. 1:21-6(a)(1) (requiring an attorney to maintain "a trust account or accounts, **separate** from any business and personal accounts and **from any fiduciary accounts that the attorney may maintain as executor, guardian, trustee, or receiver, or in any other fiduciary capacity**, into which trust account or accounts funds entrusted to the attorney's care shall be deposited") (emphasis added). However, respondent was not charged with violating RPC 1.15(d) (requiring compliance with R. 1:21-6).

[2] Respondent testified that, in his view, Skevakis was a competent paraprofessional on whom he heavily relied to move his estate matters toward conclusion.

decedent's daughter and granddaughter. However, Valeri did not receive those checks.[3]

Valeri attempted to contact respondent and/or Skevakis[4] by telephone on May 28; June 1; June 5; and June 8, 2015 regarding the trust distributions and the status of the estate, leaving voice messages each time. On June 9, 2015, respondent spoke with Valeri and advised her that she would be receiving the balance of the estate funds and all necessary paperwork. On August 12 and 13, 2015, because Valeri still had not received any paperwork or the trust distributions, she again left voice messages for respondent and/or Skevakis.

Nearly five months later, on January 8, 2016, Valeri sent an e-mail to respondent expressing her concerns regarding his handling of the estate, how she had not been kept informed, and that her August 2015 voice messages for Skevakis were never returned. Valeri informed respondent that she would be retaining new counsel if she did not hear back from respondent or his firm.

Ten days later, on January 18, 2016, respondent replied to Valeri's e-mail, stating he would review the file and fully respond to Valeri's inquiry regarding

[3] Respondent testified that, to his knowledge, the two missing checks were never located.

[4] The stipulation expressly states that Valeri attempted to contact "[r]espondent and/or Mr. Skevakis" and does not specify whether she left voice messages with respondent, Skevakis, or both. Respondent, in his answer, stated only that he was "without personal knowledge to provide a truthful response to this allegation. However, [r]espondent does not doubt the reliability of this allegation as set forth in paragraph 8."

the status of the estate. Respondent, however, did not provide Valeri with the requested status update. A few months later (the precise date is not set forth in the record), Valeri sent yet another e-mail to respondent, but he failed to reply.

On October 7, 2016, Valeri dropped off a box of important documents belonging to the decedent's daughter at respondent's office and asked that it be delivered to her. Valeri also delivered a letter addressed to respondent, explaining why she had dropped off the box of documents and again complaining about his failure to keep her informed. The record is not clear with whom Valeri left the box of documents and accompanying letter, although the parties' stipulation of facts states that respondent's "office agreed to deliver the box of documents." Respondent did not reply to Valeri's October 7 letter.[5]

That same month, the New Jersey Division of Criminal Justice, Financial and Computer Crimes Bureau, executed a search warrant on Novy & Associates in connection with suspicious financial transactions conducted by Robert Novy, Esq. Thereafter, a trustee was appointed to assume control of the operations of the firm. Respondent ceased working for the Novy firm on October 26, 2016,

[5] Respondent testified that, in February 2017, when he resumed his representation of Valeri, he requested and received the estate file from the trustee appointed to oversee the Novy law firm, following Robert Novy's arrest. Respondent maintained that Valeri's letter that accompanied the box of documents was not among the files. Respondent testified that he first received a copy of Valeri's October 7, 2016 letter in connection with this ethics investigation.

and his files were assigned to other attorneys. Novy subsequently was indicted for allegedly stealing more than $1.9 million from his elderly clients.[6] Respondent stated that he was not involved with Novy's criminal activities, and that authorities never brought criminal charges against him.

Approximately four months later, on February 8, 2017, Skevakis contacted Valeri by telephone and advised her that the law firm had dissolved and that respondent had left the firm. During that call, Valeri requested a copy of her file and information concerning the funds for the two trusts. At Valeri's request, Skevakis set up a meeting between respondent and Valeri to address the outstanding estate issues. Valeri then authorized respondent to continue representing her to close out the estate.

On February 21, 2017, respondent spoke to Valeri and advised he would have to obtain updated surrogate certificates so Valeri could open the two trusts. Respondent represented that, once he obtained the updated certificates and checks, he would send them to Valeri.

At Valeri's request, respondent also sent her an updated copy of the Novy & Associates' trust account records. On March 7, 2017, Valeri sent an e-mail to respondent inquiring why the updated records did not reflect interest for the

[6] The Court disbarred Novy, effective September 4, 2018, on consent, for his knowing misappropriation and criminal theft of client funds, including from elderly and infirm clients. In re Novy, 236 N.J. 580 (2018).

period between when the original checks were issued (May 8, 2015) and that date. During an April 17, 2017 telephone call, respondent explained to Valeri that he had discussed her concern with the Novy firm's office manager, who explained that, once the checks were written to close a sub-account, the bank was notified, and interest on the subaccount stopped. According to respondent's calculation, the approximate monthly interest was $2 and, for the period in question, the total amount of interest was approximately $50. Respondent, thus, offered to credit Valeri $100 against bills for future legal services for preparing any refunding bonds and releases or dealing with beneficiaries. At the hearing, respondent was prepared to tender a check payable to either Valeri or the estate for the interest reimbursement.

On April 27, 2017, respondent sent replacement checks to Valeri.

During the ethics hearing, respondent testified regarding proffered mitigation. Specifically, respondent testified that he has been an estate attorney for over forty-six years and has handled in excess of 1,000 cases. Respondent described the Novy law firm, where he worked from 2000 until 2016, as "very busy," and asserted that Novy had primarily concentrated on business generation. Respondent explained that he, thus, felt overwhelmed with responsibility and wished he had communicated his concerns to management. Respondent had some staff working for him, including Skevakis. In

respondent's opinion, Skevakis was an experienced paraprofessional and, once an estate file was opened, he knew what next steps were required to administer the estate. Respondent heavily relied upon Skevakis, but Skevakis also supported three other attorneys. In light of respondent's responsibilities, he claimed it was a practical impossibility to constantly follow up with Skevakis.

Respondent maintained that workload concerns, including staff being overwhelmed, was a topic discussed with Novy during staff meetings, although he could not recall ever having a one-on-one conversation with Novy regarding same. Further, during a 2016 firm retreat, staffing and workload issues were among the agenda items, although respondent could not recall if he commented on them during the retreat. Respondent testified that Novy should have been aware of the staffing and workload concerns following the retreat but recalled that no steps were taken to hire additional staff. At some point, respondent became aware of a serious ethics complaint against Novy but denied knowledge of any criminal activity until the day law enforcement authorities raided the office. Ultimately, Novy pleaded guilty and was incarcerated for stealing client funds. Respondent stated that none of the money stolen by Novy pertained to any of his clients and, thus, Valeri's estate matter was not affected.

Respondent attributed his lack of diligence, failure to communicate, and failure to adequately supervise Skevakis to being overwhelmed with cases and

other firm responsibilities, such as speaking engagements, assisting other attorneys, and his real estate practice. Further, with respect to RPC 1.15(b), respondent explained that, once the disbursement checks were issued in 2015, he subconsciously viewed the matter as complete, although he admitted that he "should have paid more attention." Moreover, respondent maintained that the delay did not prejudice or cause financial harm to the estate, with the exception of a small amount of interest, because the beneficiaries were not yet eligible under the terms of the trusts to receive the distributions.[7] Respondent offered to make full restitution for the loss of any interest to the estate.

Respondent asserted that, once Skevakis contacted him, in February 2017, regarding the continued representation of Valeri, he obtained the estate files from the trustee appointed to oversee the firm following Novy's arrest. Respondent testified that, among those files, he discovered two folders that he believed might be the missing documents intended for the decedent's daughter. Respondent brought the documents to the hearing in anticipation of seeing Valeri, but she did not appear. The record indicates that respondent agreed to

[7] The will provided that the decedent's daughter would receive seventy-five percent of the residuary estate in trust, and decedent's granddaughter would receive the remaining twenty-five percent in trust. Partial distributions of each trust, according to the will, would be paid to the beneficiaries at age 30, with the remainder distributed at age 40. The daughter received a partial distribution in May 2015 and is entitled to the balance in 2023. The granddaughter will not be entitled to her partial distribution until 2036.

index the documents, and the presenter agreed to contact Valeri regarding the delivery of the documents.

As stated, in addition to a stipulation of facts, the parties entered into a stipulation whereby respondent admitted to violating each of the charged RPCs.

With respect to RPC 1.3, respondent admitted that he "did not act diligently in the administration of the [e]state, which unnecessarily took over six years to conclude;" the "matter should have concluded … in 2015;" "[r]espondent knew or should have known in early June 2015 that [Valeri] had not received the checks he sent in early May and he should have investigated;" and that "[d]espite repeated inquiries from [Valeri], [r]espondent took no action until February 2017."

In that vein, respondent also admitted that he repeatedly failed to respond to numerous inquiries made by Valeri concerning the status of the estate administration, in violation of RPC 1.4(b).

Respondent further admitted that estate funds that should have been distributed in May 2015 were not distributed to Valeri until April 2017, nearly two years later. He conceded that his failure to timely distribute these funds constituted a violation of RPC 1.15(b). Respondent also stipulated that his law firm's failure to ensure that the box of important documents that Valeri dropped

off at the firm was delivered to decedent's daughter constituted a violation of RPC 1.15(b).

Finally, respondent admitted that he had direct supervisory authority over Skevakis and, despite having been made aware that Skevakis had failed to return Valeri's e-mails or telephone calls, failed to address or otherwise correct Skevakis' behavior. Respondent admitted that this misconduct violated RPC 5.3(b) and RPC 5.3(c)(2).

On February 11, 2020, a hearing was conducted before the DEC hearing panel, at which time the parties entered both stipulations into the record. As noted above, respondent also testified in mitigation. The DEC accepted the stipulation of facts in its entirety.

Based upon the foregoing stipulations and respondent's admissions, the DEC found, by clear and convincing evidence, that respondent violated RPC 1.3; RPC 1.4(b); RPC 1.15(b); and RPC 5.3(b). The DEC did not address the RPC 5.3(c)(2) charge.

Specifically, the DEC concluded that respondent failed to act with diligence, in violation of RPC 1.3, because the estate administration should have reasonably concluded in 2015 when the funds were ready for distribution. Further, "[r]espondent knew or should have known in early June 2015 that [Valeri] had not received the checks he sent in May and he should have

investigated further. Despite inquiries from [Valeri], respondent took no action until February 2017."

According to the DEC, respondent's misconduct further violated RPC 1.4(b), because he "failed to respond to numerous inquiries made by [Valeri] as to the status of the administration of the estate including an expectation as to when she would receive the funds for the two trusts she was required to establish."

The DEC further determined that respondent violated RPC 1.15(b) by not distributing the estate's funds in a timely manner and not delivering the box of documents to the decedent's daughter.

Finally, the DEC determined that respondent violated RPC 5.3(b) based upon his admission that he failed to supervise either Skevakis' work on the estate or his communication with Valeri. As noted above, the DEC made no findings with regard to the RPC 5.3(c)(2) charge.

In mitigation, the DEC acknowledged respondent's "contrition and remorse for his unethical conduct," noting that he "fully cooperated with the hearing and admitted all allegations." Citing In re Rosenblatt, 60 N.J. 505, 507 (1972), and In re Perkins, 143 N.J. 139 (1996), the DEC recommended that we impose a reprimand "[b]ased on the totality of the circumstances, including weighing the fact that respondent's conduct affected multiple clients in

significant manners[8] against respondent's contrition and attempts to correct such conduct."

The parties reiterated their positions during oral argument.

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.

Although respondent's representation of Valeri spanned six years, between 2011 and April 2017, the misconduct that gave rise to the formal ethics complaint occurred between May 2015 and October 2016. Specifically, on May 7, 2015, respondent mailed two checks to Valeri for deposit in the trust accounts which would have finalized (or nearly finalized) the administration of the estate.[9] Valeri, however, never received the checks and her subsequent attempts to contact respondent and/or Skevakis, between May 28 and August 13, 2015, went unanswered. Although respondent spoke to Valeri on June 9, 2015 and promised her the necessary paperwork and outstanding estate funds, he undertook no prompt action to address her concerns. On January 18, 2016, in response to Valeri's January 8, 2016 e-mail threatening to hire new counsel if

[8] The complaint related to only one client matter, so it is unclear to what the DEC refers when it states that the "conduct affected multiple clients." Presumably, the DEC was referring to the beneficiaries of the trusts.

[9] The complaint does not allege that any misconduct occurred between the 2011 engagement and May 2015, prior to the issuance of the trust distributions.

she did not get a response, respondent again promised Valeri he would review her file and get back to her. He never did. Respondent did not finalize the administration of the estate until April 2017, nearly two years after he had initially mailed the trust disbursements to Valeri. As respondent admitted, and the DEC found, these facts clearly and convincingly establish violations of RPC 1.3 and RPC 1.4(b).

Likewise, respondent's failure to promptly distribute the trust funds to Valeri violated RPC 1.15(b). The trust distributions should have been made in May 2015 and, although the checks went missing through no apparent fault of respondent, he failed to take necessary steps to have the checks reissued for nearly two years, or until April 2017. Thus, as respondent admitted, and the DEC found, these facts clearly and convincingly establish a violation of RPC 1.15(b) (one instance). The record does not, however, establish that respondent violated the Rule by not delivering the box of documents that Valeri dropped off at the firm for decedent's daughter. Despite respondent's admission to the violation, there is simply no evidence that he was aware, or should have been aware, that Valeri delivered this box of documents to the firm. Further, the documents were delivered on October 7, 2016, within weeks of the execution of the search warrant in relation to Novy's criminal conduct; respondent's employment with the firm ended shortly thereafter. We therefore respectfully part company with

the DEC and dismiss the second instance of RPC 1.15(b) related to the loss of Valeri's documents.

Respondent's misconduct also violated RPC 5.3(b), which requires a lawyer with supervisory authority over a nonlawyer to make reasonable efforts to ensure that person's conduct is compatible with the professional obligations of the lawyer. Such supervision is critically important since the nonlawyer assistants "do not have legal training and are not subject to professional discipline." Pressler & Verniero, Current N.J. Court Rules, cmt. on RPC 5.3 at 406 (2021). Thus, respondent had an obligation to diligently supervise Skevakis, his paraprofessional, to ensure the subordinate was advancing Valeri's case. Further, respondent conceded he "was responsible for ensuring that the work [Skevakis] performed on his behalf complied with respondent's ethical obligations" and, although he "was required to exercise reasonable diligence and properly and reasonably communicate with [Valeri], he failed to do either." Thus, as the DEC correctly found, these facts clearly and convincingly establish a violation of RPC 5.3(b).

The record does not, however, contain clear and convincing evidence that respondent violated RPC 5.3(c)(2), despite his ready admission. In particular, RPC 5.3(c)(2) provides that:

> A lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:
>
> . . . .
>
> (2) the lawyer has direct supervisory authority over the person and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action . . . .

As mentioned, there is no dispute that respondent had direct supervisory authority over Skevakis. The issue, however, is whether Skevakis' failure to respond to Valeri's requests for information can be imputed to respondent. RPC 5.3(c)(2) makes clear that respondent only can be held responsible for Skevakis' failure to communicate or keep a client reasonable informed as the status of matter if respondent is aware of the misconduct at the time it occurs and fails to take action to remediate. Here, the record is deficient in several regards, notwithstanding respondent's admission to the alleged misconduct.

First, the record is unclear whether Valeri's communications went solely to Skevakis; the stipulation of facts only states that Valeri attempted to contact "respondent and/or Skevakis" on several occasions between May and August 2015. Thus, it is plausible that none of the messages were left with Skevakis and, instead were left solely with respondent (conduct for which respondent has separately admitted to violating under RPC 1.4(b)). Next, even if Skevakis had received voice messages and/or e-mails from Valeri between May and August

2015, respondent was not made aware of Skevakis' failure to reply to Valeri's communications until respondent received Valeri's January 2016 e-mail notifying him to this fact. Thus, respondent was made aware of Skevakis' alleged failure to communicate six months after the fact; the record is silent as to whether the conduct continued *after* respondent was made aware of the problem, a prerequisite to establishing a violation under RPC 5.3(c)(2). Further, effective October 26, 2016, respondent was no longer employed by the law firm and ceased being Skevakis' supervisor at that time. In the absence of clear and convincing evidence that respondent was aware of Skevakis' failure to communicate, yet failed to take appropriate remedial action, we dismiss the RPC 5.3(c)(2) charge.

In sum, we find that respondent violated RPC 1.3, RPC 1.4(b), and RPC 1.15(b) (one instance – failure to distribute trust funds). We determine to dismiss the RPC 1.15(b) charge (one instance – failure to deliver the box of documents to decedent's daughter) and the RPC 5.3(c)(2) charge. The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Generally, an admonition is the appropriate form of discipline for lack of diligence and failure to communicate with the client. See, e.g., In the Matter of Christopher G. Cappio, DRB 15-418 (March 24, 2016) (after the client had

retained the attorney to handle a bankruptcy matter, paid his fee, and signed the bankruptcy petition, the attorney failed to file the petition or to return his client's calls in a timely manner); In the Matter of Charles M. Damian, DRB 15-107 (May 27, 2015) (the attorney filed a defective foreclosure complaint and failed to correct the deficiencies, despite notice from the court that the complaint would be dismissed if they were not cured; after the complaint was dismissed, he took no action to vacate the dismissal, a violation of RPC 1.3; the attorney also failed to tell the clients that he had never amended the original complaint or filed a new one, that their complaint had been dismissed, and that it had not been reinstated, a violation of RPC 1.4(b); in mitigation, the attorney had no other discipline in thirty-five years at the bar; staffing problems in his office negatively affected the handling of the foreclosure case; he was battling a serious illness during this time; and other family-related issues consumed his time and contributed to his inattention to the matter); and In the Matter of Stephen A. Traylor, DRB 13-166 (April 22, 2014) (the attorney was retained to represent a Venezuelan native in pending deportation proceedings instituted after he had overstayed his visa; although the attorney and his client had appeared before the immigration court on three separate occasions, the attorney failed to file a Petition for Alien Relative Form until several days after his client was ordered deported; the appeal from that order was denied, which the attorney

did not disclose to the client, but the petition was granted months later; violations of RPC 1.3 and RPC 1.4(b)).

Likewise, standing alone, cases involving an attorney's failure to promptly deliver funds to clients or third persons, in violation of RPC 1.15(b), usually result in the imposition of an admonition or reprimand, depending on the circumstances. See In the Matter of Jeffrey S. Lender, DRB 11-368 (January 30, 2012) (admonition where attorney lacked diligence and failed to safeguard, and promptly deliver, funds to a third party in a real estate transaction, in violation of RPC 1.3 and RPC 1.15(b)) and In the Matter of Raymond Armour, DRB 11-451, DRB 11-452, and DRB 11-453 (March 19, 2012) (admonition for attorney who, in three separate matters, violated RPC 1.4(b), RPC 1.4(c), and RPC 1.15(b), and in one matter violated RPC 1.3; in mitigation, attorney suffered from a medical condition that required him to work abbreviated hours at the time the misconduct occurred, the clients suffered no financial harm, and the attorney had no prior discipline).

Attorneys who fail to supervise their nonlawyer staff typically are admonished or reprimanded, depending on the presence of other ethics infractions, prior discipline, or aggravating and mitigating factors. See, e.g., In the Matter of Vincent S. Verdiramo, DRB 19-255 (January 21, 2020) (admonition; as a result of the attorney's abrogation of his recordkeeping

obligations, his nonlawyer assistant was able to steal more than $149,000 from his trust account; mitigating factors were the attorney's prompt actions to report the theft to affected clients, law enforcement, and disciplinary authorities; his deposit of $55,000 in personal funds to replenish the account; his extensive remedial actions; his acceptance of responsibility for his misconduct; and his unblemished, thirty-three-year career); In re Bardis, 210 N.J. 253 (2012) (admonition; as a result of the attorney's failure to review and reconcile his attorney records, his bookkeeper was able to steal $142,000 from his trust account, causing a shortage of $94,000; mitigating factors were the attorney's deposit of personal funds to replenish the account; numerous other corrective actions; his acceptance of responsibility for his misconduct; his deep remorse and humiliation for not having personally handled his own financial affairs; and his lack of a disciplinary record); In re Mariconda, 195 N.J. 11 (2008) (admonition; the attorney delegated his recordkeeping responsibilities to his brother, a paralegal, who then forged the attorney's signature on trust account checks and stole $272,000 in client funds); In re Deitch, 209 N.J. 423 (2012) (reprimand; as a result of the attorney's failure to supervise his paralegal-wife and his poor recordkeeping practices, $14,000 in client or third-party funds were invaded; the paralegal-wife stole the funds by negotiating thirty-eight checks issued to her by forging the attorney's signature or using a signature stamp; no

prior discipline); In re Murray, 185 N.J. 340 (2005) (attorney reprimanded for failure to supervise nonlawyer employees, which led to the unexplained misuse of client trust funds and to negligent misappropriation; the attorney also committed recordkeeping violations); and In re Bergman, 165 N.J. 560 (2000) and In re Barrett, 165 N.J. 562 (2000) (companion cases; attorneys reprimanded for failure to supervise bookkeeper/office manager, who embezzled almost $360,000 from the firm's business and trust accounts and from a guardianship account; the attorneys cooperated with the Office of Attorney Ethics, hired a CPA to reconstruct the account, and brought their firm into compliance with the recordkeeping Rules; a bonding company reimbursed the losses caused by the embezzlement).

Based upon disciplinary precedent, for the totality of respondent's misconduct, we determine that a reprimand is required. In crafting the appropriate discipline, we also consider the presence of several mitigating factors, including the respondent's minimal disciplinary history, his ready admission of fault, and his sincere contrition. The work pressures respondent suffered while employed at the Novy firm appear to have contributed to his inability to properly handle the Valeri matter. Although certainly not a defense to respondent's misconduct, he is no longer employed by the Novy law firm and, thus, the conduct appears unlikely to recur. Further, respondent is no engaged in

a solo practice and testified that he is handling a limited number of case files.

Next, although there was a nearly two-year delay between the respondent's issuance of the first set of checks in May 2015, and the reissued checks in April 2017, there was no financial harm to the trust beneficiaries because, under the terms of the trust, neither beneficiary was yet entitled to a distribution.

Finally, respondent expressed sincere remorse and contrition for his mishandling of Valeri's case.

Despite the mitigation present in this case, we still determine that a reprimand is the quantum of discipline necessary to protect the public and preserve confidence in the bar.

Vice-Chair Singer and Members Joseph and Petrou voted to impose an admonition.

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
Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.),
Chair

By: 

Johanna Barba Jones
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Douglas James Hull
Docket No. DRB 21-133

Argued: October 21, 2021

Decided: December 8, 2021

Disposition: Reprimand

Members	Reprimand	Admonition
Gallipoli	X	
Singer		X
Boyer	X	
Campelo	X	
Hoberman	X	
Joseph		X
Menaker	X	
Petrou		X
Rivera	X	
Total:	6	3

Johanna Barba Jones
Chief Counsel