

DISCIPLINARY REVIEW BOARD
OF THE
SUPREME COURT OF NEW JERSEY

HON. MAURICE J. GALLIPOLI, A.J.S.C. (RET.), CHAIR
ANNE C. SINGER, ESQ., VICE-CHAIR
PETER J. BOYER, ESQ.
JORGE A. CAMPELO
THOMAS J. HOBERMAN
REGINA WAYNES JOSEPH, ESQ.
STEVEN MENAKER, ESQ.
PETER PETROU, ESQ.
EILEEN RIVERA



RICHARD J. HUGHES JUSTICE COMPLEX
P.O. BOX 962
TRENTON, NEW JERSEY 08625-0962
(609) 815-2920

JOHANNA BARBA JONES
CHIEF COUNSEL

TIMOTHY M. ELLIS
DEPUTY COUNSEL

BARRY R. PETERSEN, JR.
DEPUTY COUNSEL

NICOLE M. ACCHIONE
ROCCO J. CARBONE, III
ASHLEY KOLATA-GUZIK
RACHEL J. NGUYEN
ASSISTANT COUNSEL

NICHOLAS LOGOTHETIS
ASSOCIATE COUNSEL

February 18, 2022

VIA CERTIFIED, REGULAR, AND ELECTRONIC MAIL

Gary S. Lewis
REDACTED

Re: In the Matter of Gary S. Lewis

Docket No. DRB 21-247

District Docket No. XIV-2019-0133E

LETTER OF ADMONITION

Dear Mr. Lewis:

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 1.16(d) (failure to protect the client's interests upon termination of representation) and RPC 1.17(c) (improper sale of a law office). The Board further determined to dismiss the charged violation of RPC 1.4(b) (failure to communicate with the client).

Specifically, on April 6, 2015, Bertin Engineering Associates, Inc., (Bertin) retained you to collect on its October 21, 2014 Superior Court judgment against Manhar Patel and his corporate entities, who had failed to repay a loan to Bertin. As a result of the judgment, Bertin perfected a lien on property Patel owned, in Newark, New Jersey.

On October 27, 2015, Patel closed on a sale of his Newark property. However, because of Bertin's lien on the property, the closing agent held back from the sale proceeds the judgment amount, plus accrued interest, in escrow, on behalf of Bertin.

Almost seven months later, on May 12, 2016, one of Patel's corporate entities filed a motion to vacate the October 2014 judgment, which motion the Superior Court denied, on August 12, 2016, citing the entity's prior failure to diligently defend itself. On September 12, 2016, Patel's corporate entity appealed the order denying its motion to vacate the judgment and moved, before the Appellate Division, to transfer the escrow balance to the "Court[.]" On October 24, 2016, the Appellate Division denied the motion.

Meanwhile, sometime before November 2016, because of your wife's declining health, you sold your law practice to David E. Gray, Esq., who had experience in debt collection. Shortly thereafter, you provided Gray your pending client files and relocated to California. However, prior to the sale of your law practice, you failed to notify your clients of the termination of the representation. Although you claimed that you had "implemented a process" whereby your paralegals would have provided your clients "contemporaneous" written notice of the sale of your law practice, your paralegals could not recall whether such client notices were actually transmitted to your clients. Despite your purported efforts, Bertin never received notice of the sale of your law practice. Had you provided your clients with reasonable notice of the sale, your clients would have had the opportunity to retain other counsel and to retrieve their property and files. However, you failed to take these reasonable steps to protect your clients' interests upon the termination of the representation, in violation of RPC 1.16(d).

Similarly, you violated RPC 1.17(c) by failing to provide each of your clients sixty-days written notice of the sale of your law practice. Specifically, that notice should have stated that (1) your interest in your law practice was being transferred to Gray; (2) your clients had the right to retain other counsel; (3) your clients could take possession of their files and property; and (4) if no client response was "received within sixty days of the sending of [the] notice," or if the clients' rights would be prejudiced by a failure to act during that time, Gray could "act on behalf of the client[s] until otherwise notified by the

client[s].” You also failed to obtain the written consent of your clients in connection with the sale, as RPC 1.17(c)(2) further requires.

However, the Board determined to dismiss the RPC 1.4(b) charge – which was premised on your failure to notify your clients of the sale of your law practice – as duplicative of the RPC 1.16(d) and RPC 1.17(c) charges, which more precisely and adequately address your misconduct.

In imposing only an admonition, the Board considered, in mitigation, the fact that your failure to properly notify your clients of the sale of your law practice may have resulted from your wife’s emergent medical situation, which you maintained, required that you relocate to California for her treatment. In further mitigation, you cooperated with disciplinary authorities by stipulating to the facts underlying your misconduct and, in your forty-six-year career at the bar, you received only one prior admonition, in 2010, for unrelated misconduct. Finally, the Board found that your misconduct is unlikely to recur because, since sometime before November 2016, you ceased practicing law in New Jersey and relocated to California, where you hold no bar admission.

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).

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,

/s/ Timothy M. Ellis

Timothy M. Ellis
Acting Chief Counsel

TME/trj

c: See attached list

I/M/O Gary S. Lewis, DRB 21-247

February 18, 2022

Page 4 of 4

Chief Justice Stuart Rabner

Associate Justices

Heather Joy Baker, Clerk

Supreme Court of New Jersey

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

Disciplinary Review Board (e-mail)

Gail G. Haney, Deputy Clerk

Supreme Court of New Jersey (w/ethics history)

Charles Centinaro, Director

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

HoeChin Kim, Deputy Ethics Counsel

Office of Attorney Ethics (e-mail)