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March 18, 2022

VIA CERTIFIED MAIL, REGULAR MAIL, & ELECTRONIC MAIL

Jerry Genaro Crapis, Esq.
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Re: In the Matter of Jerry Genaro Crapis
Docket No. DRB 22-008
District Docket No. XIV-2019-0650E
LETTER OF ADMONITION

Dear Mr. Crapis:

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 1.5(a) (fee overreaching); RPC 1.15(a) (two instances – negligent misappropriation of client trust funds and commingling); and RPC 1.15(d) (failure to comply with the recordkeeping requirements of R. 1:21-6). The Board further determined to dismiss the charged violation of RPC 5.5(a)(1) (practicing law while ineligible).

Specifically, the Office of Attorney Ethics performed an audit of your financial records, which revealed multiple recordkeeping deficiencies, in violation of RPC 1.15(d). These deficiencies included your failure to maintain separate client ledger cards; failure to conduct monthly, three-way

reconciliations of your attorney trust account (ATA); failure to maintain your attorney business account (ABA) records for seven years; failure to maintain adequate descriptions for your ATA and ABA receipts and disbursements journals; unauthorized electronic ATA transfers; special fiduciary funds improperly held in your ATA; and improper ATA designations.

You also miscalculated your fees in the Criss and Fowler matters, a per se violation RPC 1.5(a), which prohibits an attorney from charging an unreasonable fee. Specifically, you failed to calculate your legal fee based upon the “net sum recovered after deducting disbursements in connection with the institution and prosecution of the claim,” as R. 1:20-7(d) requires. Instead, in both client matters, you calculated your legal fee prior to deducting all outstanding medical expenses and, thus, your fees in both matters were based on the gross, not net, settlement amount.

You also admitted that your failure to promptly disburse earned legal fees from your ATA resulted in the commingling of your own personal funds with client funds, in violation of RPC 1.15(a).

Further, your admitted failure to escrow sufficient funds for outstanding medical expenses, along with your improper fee calculations, in two client matters, led to your negligent invasion of other client funds, a second violation of RPC 1.15(a). Specifically, in both the Criss and Fowler matters, you were obligated to hold a portion of the settlement funds in escrow to cover outstanding medical expenses. In both client matters, however, you failed to do so and, instead, disbursed legal fees more than a year before you paid the outstanding medical expenses. By disbursing legal fees to yourself in advance of paying all outstanding expenses or, at a minimum, accounting for those expenses, you created a shortage of funds in both client matters. This error caused an invasion of unrelated client trust funds that you held in your ATA, in violation of RPC 1.15(a).

The Board determined, however, that the evidence did not support the RPC 5.5(a)(1) charge, which was premised on you having paid yourself a legal fee from your ATA while you were administratively ineligible to practice law. The record lacked any evidence regarding whether you had earned the legal fee and, if so, when it was earned. Notably, the Rules do not preclude a suspended attorney from taking earned legal fees in certain situations and, in the absence of additional evidence, the Board was unable to determine if and when the fees

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in this matter were earned versus when you became ineligible. See R. 1:20-20(b)(5) (permitting a suspended attorney to “disburse all trust account monies that are appropriate to be disbursed” during a thirty-day period immediately following imposition of suspension). Moreover, you were not suspended but were merely ineligible. Accordingly, the Board determined to dismiss this charge.

In imposing only an admonition, the Board considered, in mitigation, your unblemished disciplinary history in more than thirty years at the bar. Further, you readily admitted your misconduct, thereby saving disciplinary resources.

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,

A handwritten signature in black ink, appearing to read "Johanna Barba Jones". The signature is fluid and cursive, written in a professional style.

Johanna Barba Jones
Chief Counsel

JBj/jm

c: See attached list

Chief Justice Stuart Rabner

Associate Justices

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Supreme Court of New Jersey

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

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Supreme Court of New Jersey (w/ ethics history)

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