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**OF THE**  
**SUPREME COURT OF NEW JERSEY**

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April 30, 2024

Heather Joy Baker, Clerk  
Supreme Court of New Jersey  
P.O. Box 970  
Trenton, New Jersey 08625-0962

Re: **In the Matter of Joan Othelia Pinnock**  
Docket No. DRB 24-029  
District Docket Nos. XIV-2019-0557E; XIV-2019-0665E;  
and XIV-2020-0511E

Dear Ms. Baker:

The Disciplinary Review Board (the Board) has reviewed the motion for discipline by consent (two- to three-year suspension or such lesser discipline as the Board deems appropriate, with a condition) filed by the Office of Attorney Ethics (the OAE) in the above matter, pursuant to R. 1:20-10(b). Following a review of the record, the Board granted the motion and determined that a three-year suspension was the appropriate quantum of discipline for respondent's violation of RPC 1.1(a) (gross neglect); RPC 1.3 (lack of diligence); RPC 1.4(b) (failure to respond to reasonable requests for information); RPC 1.5(b) (failure to set forth in writing the basis or rate of the legal fee); RPC 1.16(a)(1) (failure to withdraw from a representation which violates the Rules of Professional Conduct); RPC 1.16(d) (failure to provide reasonable notice of termination of representation due to suspension); RPC 1.16(d) (failure to promptly surrender papers or unearned fees to the client); and RPC 5.5(a)(1) (unauthorized practice of law). The Board determined, however, to dismiss the charge that respondent

violated RPC 1.15(d) because, although it was based on her failure to comply with recordkeeping provisions of R. 1.21-6, the stipulation lacked specificity regarding what records respondent purportedly failed to maintain.

Effective January 2019, the Court suspended respondent from the practice of law for mishandling nine client matters. Despite the Court's Order, respondent not only practiced law while suspended, in violation of RPC 5.5(a)(1), she failed to timely notify either the Immigration Court or the United States Citizenship and Immigration Services (the USCIS) of her suspension, as required by R. 1:20-20(b)(11). As detailed below, she also grossly mishandled numerous sensitive client matters.

Specifically, in the Brevett client matter, the Board determined that respondent violated RPC 1.1(a) and RPC 1.3 by failing to appear at an immigration hearing, in September 2017, and by neglecting Brevett's deportation/removal case by failing to file an EOIR-42A application or provide a copy of the application to Brevett. Additionally, respondent violated RPC 1.4(b) by failing to inform Brevett that she had been suspended from the practice of law, and she led Brevett to believe that she would represent her at a hearing in 2021. Last, she violated RPC 1.16(d) by failing to refund unearned fees which she agreed she owed to Brevett.

In the D.S. client matter, respondent filed a Battered Spouse Application (Form I-360), in August 2017 and an employment authorization application (Form I-765), in November 2017. Although respondent sent D.S. a letter, in January 2019, advising her client that she had been suspended from practice of law, respondent continued to represent D.S. in the I-360 matter and, in fact, filed a I-765 renewal application. However, respondent failed to keep D.S. informed on the status of her I-360 application, and D.S. had to obtain new counsel for a court appearance in January 2021. The Board determined that respondent violated RPC 1.1(a) and RPC 1.3 by neglecting D.S.'s matter; RPC 1.4(b) by failing to keep D.S. reasonably informed about the status of her matter and failing to respond to reasonable requests for information; RPC 1.5(b) by failing to provide a retainer agreement to D.S.; and RPC 1.16(d) by failing to give D.S. reasonable notice that she was suspended.

A third client, C.P.W., retained respondent in November 2018 for assistance in filing a I-360 petition, a Form I-765, and an application to register for permanent residence (Form I-485). Respondent did not inform C.P.W. of her

January 2019 suspension and continued to represent C.P.W. thereafter, by filing these applications. In July 2020, respondent submitted affidavits to support C.P.W.'s I-360 application, but she failed to attach any documents from C.P.W.'s therapist, rendering the application deficient. Respondent failed to advise C.P.W. when her I-360 application was denied and, further, failed to appeal that decision. Respondent also failed to renew C.P.W.'s Form I-765 application. Given respondent's failure to follow through with necessary applications, C.P.W. was forced to retain new counsel. The Board determined that respondent violated RPC 1.1(a) and RPC 1.3 by neglecting C.P.W.'s matters and by failing to act with reasonable diligence; RPC 1.4(b) by failing to keep D.S. reasonably informed about the status of her matter, failing to respond to reasonable requests for information and by failing to advise C.P.W. that she had been suspended from the practice of law; and RPC 1.5(b) by failing to provide C.P.W. with a retainer agreement.

In addition to her mishandling of the Brevett, D.S., and C.P.W. matters, while suspended, the Department of Justice informed the OAE that respondent filed documents with the Immigration Court on behalf of other clients in three separate matters (for confidentiality reasons these were identified only by file numbers 102, 237, and 987). In case 987, respondent filed a motion to substitute as counsel and three motions for a continuance on behalf of a detained client, claiming she had been "just retained," in December 2018, when she was already aware of her impending January 2019 suspension. In case 237, respondent represented another detained client by filing a motion to continue, certificate of service, and notice of entry of appearance, wherein she falsely represented that she was a member in good standing of the New Jersey bar. In case 102, respondent filed a notice of entry of appearance, wherein she again falsely represented that she was a member in good standing of the New Jersey bar. Respondent also admitted that she filed I-90 applications in February 2020 on behalf of her friends, A.C. and S.G. Based on these facts, respondent stipulated, and the Board determined, that she violated RPC 1.16(a)(1) by failing to withdraw from representation and RPC 5.5(a)(1) by engaging in the unauthorized practice of law while suspended by representing eight clients.

Attorneys who practice law while suspended have received discipline ranging from a lengthy term of suspension to disbarment, depending on the presence of other misconduct, the attorney's disciplinary history, and aggravating or mitigating factors. See In re Phillips, 224 N.J. 274 (2016) (one-year suspension for an attorney who stipulated that, while suspended, he secured

consent to an adjournment of a matrimonial motion that was to be heard during the term of suspension; the attorney claimed that he had only engaged in “secretarial duties;” the Board observed that, regardless of the attorney’s characterization of the tasks he performed, he clearly practiced law while suspended; in aggravation, the Board weighed the attorney’s contempt for his ethics obligations and his extensive prior discipline, including an admonition for the unauthorized practice of law in Nevada, two censures, in default matters, and a three-month suspension in two consolidated default matters, for practicing law while suspended); In re Kim, 241 N.J. 350 (2020) (three-year suspension for an attorney who, following his temporary suspension for refusing to cooperate with the OAE’s financial audit, continued to practice law by representing one client in connection with his purchase of a liquor license and a second client in connection with a real estate transaction; the attorney also failed to comply with R. 1:20-20 following his temporary suspension and refused to comply with a separate Court Order requiring that he disclose his financial records to the OAE; prior 2015 censure); In re Wheeler, 163 N.J. 63 (2000) (three-year suspension for an attorney who handled three matters without compensation, with the knowledge that he was suspended, held himself out as an attorney, and failed to comply with the Administrative Guideline (now R. 1:20-20), relating to suspended attorneys; prior one-year suspension on a motion for reciprocal discipline and, on that same date, a two-year consecutive suspension for practicing while suspended).

Respondent’s misconduct is analogous to the attorneys in Phillips, Kim, and Wheeler because she has prior discipline (a reprimand in 2013 after mishandling one client’s matter and a three-month suspension, effective January 2019, for mishandling nine client matters); she continued to practice law for two years despite being suspended; and she held herself out as an attorney in good standing and failed to comply with R. 1:20-20.

Respondent engaged in additional misconduct by again mishandling multiple client matters. As the OAE observed, the discipline typically imposed on attorneys who mishandle multiple client matters ranges from a three-month to a one-year suspension. See, e.g., In re Gonzalez, 241 N.J. 526 (2020) (attorney suspended for three months for mishandling three client matters with other violations); In re Gruber, 248 N.J. 205 (2021) (six-month suspension for mishandling six client matters and engaging in other violations); In re Calpin, 242 N.J. 75 (2020) (one-year suspension for attorney who mishandled and performed little or no work on three matters and committed other misconduct).

However, unlike the attorneys in Gonzalez, Gruber, and Calpin, this is far from respondent's first instance of neglect. Respondent engaged in the unauthorized practice of law for a prolonged period, spanning two years, while suspended, representing eight clients, all while mishandling their cases and failing to communicate adequately with them.

Based on the overwhelming evidence in the record and the foregoing disciplinary precedent, the Board concluded that the totality of respondent's misconduct should be met with a long-term suspension.

In mitigation, respondent cooperated with the OAE and stipulated to her misconduct. Respondent also submitted evidence of her pro bono work assisting Jamaican immigrants.

In aggravation, despite respondent's multiple interactions with the disciplinary system, she has continued to cause harm to her clients. Here, just as the Board found in In re Pinnock, 236 N.J. 96 (2018), respondent again "collected a significant amount of money from her clients and did little to no work on their matters" and, again, "allowed matters to languish for months, and in some cases, years." Like the attorney in Kim, respondent has not used her prior experiences with the disciplinary system as a foundation for reform; instead, her complete disregard for her clients and defiance of the disciplinary system has continued almost unabated. See also In re Zeitler, 182 N.J. 389, 398 (2005) ("[d]espite having received numerous opportunities to reform himself, respondent ha[d] continued to display his disregard, indeed contempt, for our disciplinary rules and our ethics system").

In further aggravation, respondent's clients were vulnerable, given their immigration status. Yet, respondent neglected their matters and allowed them to linger for years. The Board has consistently viewed immigration "as an inherently sensitive field of law." In the Matter of Won Young Oh, DRB 20-104 and 20-146 (February 22, 2021) at 12, so ordered, 246 N.J. 184 (2021); see also In the Matter of Douglas Andrew Grannan, DRB 20- 236 (June 2, 2021), at 40, 49-50 (noting, in aggravation, that the attorney's misconduct caused serious harm to a vulnerable class of clientele who faced dire consequences – immigrants with a limited understanding of the English language and the United States' immigration court system, who were facing removal and deportation actions), so ordered, 250 N.J. 319 (2022).

Moreover, following her suspension, respondent failed to file the required R. 1:20-20 affidavit, and she brazenly misrepresented to clients, the USCIS, and the Immigration Court that she was an attorney in good standing. During the OAE's investigation, respondent claimed that she moved to California and "stopped actively practicing law" in New Jersey in January 2019. This claim was disingenuous, and her attempted minimization – that she never stepped foot in a courtroom during her suspension – rings hollow. Although the OAE did not charge respondent for this misconduct, pursuant to RPC 8.1(b); RPC 8.4(c); and RPC 8.4(d), the Board considered her uncharged misconduct in aggravation.

On balance, the Board determined that, based on the compelling aggravating circumstances, as weighed against less persuasive mitigating factors, a three-year suspension is the appropriate quantum of discipline to protect the public and preserve confidence in the bar. Additionally, the Board determined to impose the condition agreed to by the parties – that respondent refund, within ninety days of the Court's Order in this matter, \$1,000 to Brevett.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated January 30, 2024.
2. Stipulation of discipline by consent, dated January 29, 2024.
3. Affidavit of consent, dated January 18, 2024.
4. Ethics history, dated April 30, 2024.

Very truly yours,

*/s/ Timothy M. Ellis*

Timothy M. Ellis  
Chief Counsel

TME/akg  
Enclosures

c: See attached list.

(w/o enclosures)

Hon. Mary Catherine Cuff, P.J.A.D. (Ret.), Chair

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