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SUPREME COURT OF NEW JERSEY

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November 26, 2024

VIA CERTIFIED, REGULAR & ELECTRONIC MAIL

Erin A. Cirelli, Esq.
Erin Burke Cirelli, LLC
435 Ridgedale Avenue, Suite 1
East Hanover, New Jersey 07936
erin@cirellilaw.com

Re: In the Matter of Erin A. Cirelli
Docket No. DRB 24-205
District Docket No. XIV-2022-0412E
LETTER OF ADMONITION

Dear Ms. Cirelli:

The Disciplinary Review Board has reviewed the motion for discipline by consent (admonition) filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-10(b). Following a review of the record, the Board granted the motion and determined to impose an admonition for your violation of RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6).

Specifically, following a January 2022 random audit, the OAE docketed the matter for a disciplinary investigation. On January 23, 2023, the OAE conducted a demand audit of your trust and business account records, which revealed recordkeeping deficiencies, including: (1) failing to maintain a proper designation on attorney trust account deposit slips, as R. 1:21-6(a) requires; (2)

failing to maintain monthly attorney trust account receipts journals, as R. 1:21-6(c)(1)(A) requires; (3) failing to maintain a separate attorney trust account ledger cards for each client, as R. 1:21-6(c)(1)(B) requires; (4) failing to maintain separate ledger cards for attorney funds for bank charges, as R. 1:21-6(d) and 1:21-6(c)(1)(B) require; (5) failing to conduct monthly three-way reconciliations of attorney trust account, as R. 1:21-6(c)(1)(H) requires; (6) failing to maintain attorney trust account disbursements journals, as R. 1:21-6(c)(1)(A) requires; and (7) failing to maintain attorney trust account receipts journals, as R. 1:21-6(c)(1)(A) requires.

Specifically, your ATA deposit slips contained the improper designation of “Trust Account;” you failed to maintain a client ledger card for the Yara Zapata-Gomez v. Edward Boehm matter, for which you held \$75,000 in trust from April 29 through May 3, 2021; you failed to maintain an individual ledger card for attorney funds held in your ATA from January 1, 2020 through January 19, 2023; and you maintained only two-way reconciliations of your bank and book balances, and failed to include your client ledger card balances.

On March 19, 2023, you voluntarily completed an approved online trust and business accounting course. The next day, you completed an approved online trust account management course. As of May 23, 2023, you corrected all deficiencies and had complied with R. 1:21-6.

On July 18, 2023, you executed an Agreement in Lieu of Discipline (the AILOD) with the OAE, pursuant to R. 1:20-3(i). The AILOD required you to attend a New Jersey State Bar Association (NJSBA) diversionary course and an OAE approved trust and accounting course. In August 2023, the OAE sent you two separate letters directing you to attend the trust and accounting course scheduled for September 20, 2023, and further directing you to return the signed registration. Nevertheless, you failed to reply to the OAE’s letters and attend the course.

On August 30, 2023, the NJSBA sent you a letter to inform you that the AILOD required you to attend the fall 2023 NJSBA ethics diversionary program, which required registration by September 29, 2023. On September 26, 2023, the OAE sent you a follow-up letter concerning your failure to attend the OAE’s September 20, 2023 trust and accounting course and directed you to provide a detailed written explanation for your failure to attend that course by October 6,

2023. On October 8, 2023, you provided your explanation, which the OAE accepted as good cause for your failure to attend.

On October 10, 2023, the OAE sent you a letter that directed you to attend the OAE course scheduled for February 21, 2024, and required you to return the signed registration form by October 24, 2023. On November 20, 2023, you forwarded your registration form to the OAE.

On December 14, 2023, the OAE sent you a letter concerning your failure to attend the fall 2023 NJSBA ethics diversionary program and directed you to attend the spring 2024 NJSBA program. On January 25, 2024, the NJSBA sent you a letter directing you to attend the spring 2024 NJSBA program scheduled for April 10, 2024, which required registration by April 3, 2024.

On February 20, 2024, the OAE sent you the materials for the OAE course scheduled for the following day, which you failed to attend. Two days later, you replied to the OAE's e-mail and asserted that you had mistakenly believed that your planned attendance at the April 2024 NJSBA program would satisfy the requirement that you attend an OAE trust and accounting course.

On February 23, 2024, the OAE sent you a letter concerning your failure to attend the February 21, 2024 OAE trust and accounting course and directed you to provide a written explanation for your failure to attend the course by March 1, 2024. On March 18, 2024, you provided your explanation to the OAE.

On March 19, 2024, the OAE sent you a letter to inform you that the office had withdrawn its offer of diversion.

On July 25, 2024, you attended a webinar offered by the NJSBA concerning trust accounting and random audit readiness. Despite the OAE's repeated efforts, spanning six months, you failed to satisfy the rehabilitative requirements of the AILOD.¹

¹ The Board has determined that the failure complete the terms of an agreement in lieu of discipline does not constitute a violation of the RPC 8.1(b) (failing to cooperate with disciplinary authorities). In In the Matter of Bryan Blaney, DRB 17-110 (September 15, 20217), the Board determined that such a breach converts what had been considered minor unethical conduct to unethical conduct, which is then prosecuted either by the filing of a complaint or some other charging document. In other words, the underlying conduct that prompted the filing of the grievance, along with

In imposing only an admonition, the Board accorded considerable mitigating weight to your lack of prior discipline in your twenty-eight years at the bar and your acceptance of responsibility for your wrongdoing.

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 cost 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
Chief Counsel

TME/akg

c: Chief Justice Stuart Rabner
Associate Justices
Heather Joy Baker, Clerk
Supreme Court of New Jersey
Hon. Mary Catherine Cuff, P.J.A.D. (Ret.), Chair
Disciplinary Review Board (e-mail)
Johanna Barba Jones, Director
Office of Attorney Ethics (e-mail)
Diane M. Yandach, Presenter
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respondent's admissions in connection with the agreement in lieu of discipline, become the subject of a formal complaint -- not the violation of the terms of the agreement in lieu of discipline. See also [In the Matter of Gabriel F. Gonzalez](#), DRB 10-074 (August 16, 2010).