

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 24-284
District Docket No. XIV-2024-0193E

In the Matter of Jay Lowell Juckett
An Attorney at Law

Decided
May 16, 2025

Certification of the Record

Table of Contents

Introduction.....	1
Ethics History.....	1
Service of Process	2
Facts.....	5
Analysis and Discipline	7
Violations of the Rules of Professional Conduct.....	7
Quantum of Discipline	9
Conclusion	10

Introduction

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter was before us on a certification of the record filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-4(f). The formal ethics complaint charged respondent with having violated RPC 8.1(b) (two instances – failing to comply with R. 1:20-20 governing suspended attorneys and failing to cooperate with disciplinary authorities)¹ and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

For the reasons set forth below, we determine that a reprimand is the appropriate quantum of discipline for respondent’s misconduct.

Ethics History

Respondent earned admission to the New Jersey bar in 1987. He previously maintained a practice of law in Allenhurst, New Jersey.

Effective January 29, 2024, the Court temporarily suspended respondent from the practice of law for failing to cooperate with an OAE investigation. In re Juckett, 256 N.J. 325 (2024).

¹ Due to respondent’s failure to file an answer to the formal ethics complaint, and on notice to him, the OAE amended the complaint to include the second RPC 8.1(b) charge.

Respondent remains temporarily suspended to date.

On February 3, 2025, the Court reprimanded respondent for having violated RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6) and RPC 8.1(b) (two instances). In re Juckett, 260 N.J. 26 (2025) Jucket I). In that matter, which proceeded as a default, respondent failed to cooperate with the OAE's repeated efforts to obtain his financial records and requests for information following an overdraft of his attorney trust account. In the Matter of Jay Lowell Juckett, DRB 24-143 (November 20, 2024) at 4. The OAE's ensuing investigation revealed numerous recordkeeping infractions; however, as a result of respondent's failure to produce his financial records and to cooperate with the OAE's underlying investigation, the OAE was unable to determine whether he had misappropriated entrusted funds.² Id. at 7-10. In mitigation, we considered respondent's otherwise unblemished thirty-seven-year career at the bar. Id. at 15.

Service of Process

Service of process was proper. On October 2, 2024, the OAE sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's

² Respondent's temporary suspension stemmed from his failure to cooperate with the OAE's underlying investigation.

home address of record.³ The certified mail was returned to the OAE marked “return to sender,” “unclaimed,” and “unable to forward;” however, the regular mail was not returned to the OAE.

On October 30, 2024, the OAE sent a second letter, by certified and regular mail, to respondent’s home address of record, with another copy sent via electronic mail to his e-mail address of record, informing him that, unless he filed a verified answer to the complaint within five days of the date of the letter, the allegations of the complaint would be deemed admitted, the record would be certified to us for the imposition of discipline, and the complaint would be deemed amended to charge a willful violation of RPC 8.1(b) by reason of his failure to answer. That same date, the OAE received a notification that delivery to his e-mail address was complete, although no delivery notification was sent by the destination server. According to the United States Postal Service tracking, the certified mail was returned to the OAE as unclaimed; however, the regular mail was not returned to the OAE.

³ New Jersey attorneys have the affirmative obligation to inform both the New Jersey Lawyers’ Fund for Client Protection (the CPF) and the OAE of changes to their billing, home, and primary law offices addresses, “either prior to such change or within thirty days thereafter.” R. 1:20-1(c). To date, the Court’s attorney database continues to list respondent’s home address as the one used by the OAE.

As of November 20, 2024, respondent had not filed an answer to the complaint and the time within which he was required to do so had expired. Accordingly, the OAE certified this matter to us as a default.

On January 30, 2025, Chief Counsel to the Board sent respondent a letter, by certified and regular mail, to his home address of record, with an additional copy sent by electronic mail to his e-mail address of record, informing him that the matter was scheduled before us on March 20, 2025 and that any motion to vacate the default (MVD) must be filed by February 17, 2025. The certified mail was returned to the Office of Board Counsel (the OBC) marked “unclaimed,” “not deliverable as addressed” and “unable to forward.” The regular mail was not returned and the OBC received a notification that delivery to respondent’s e-mail address was complete, although no delivery notification was sent by the destination server.

Moreover, the OBC published a notice dated February 3, 2025 in the New Jersey Law Journal and on the New Jersey Courts website, stating that we would consider this matter on March 20, 2025. The notice informed respondent that, unless he filed a successful MVD by February 17, 2025, his prior failure to answer would remain deemed an admission of the allegations of the complaint.

Respondent did not file an MVD.

Facts

We now turn to the allegations of the complaint.

As detailed above, effective January 29, 2024, the Court temporarily suspended respondent from the practice of law for failing to comply with an OAE investigation. He has not petitioned the Court for relief from that temporary suspension and, thus, remains suspended.

The Court's temporary suspension Order directed respondent to comply with R. 1:20-20, which requires, among other obligations, that he, "within 30 days after the date of the order of suspension (regardless of the effective date thereof) file with the Director the original of a detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court's order." Further, R. 1:20-20(c) expressly provides that an attorney's failure to file the affidavit of compliance constitutes a violation of RPC 8.1(b) and RPC 8.4(d).

Respondent failed to file the required affidavit of compliance. Consequently, on May 29, 2024, the OAE sent him a letter, by certified and regular mail, to his office and home addresses of record, reminding him of his obligation to file the affidavit, pursuant to R. 1:20-20, and directing that he file the affidavit by June 12, 2024. The certified and regular mail letters sent to respondent's office address were returned to the OAE, indicating that his office

address was “vacant.” The certified mail sent to respondent’s home address was returned to the OAE as unclaimed; however, the regular mail was not returned.

On July 10, 2024, the OAE sent a second letter, by certified and regular mail, to respondent’s home address of record, and by electronic mail to his e-mail address of record, directing him to file his affidavit by July 25, 2024. That same date, the OAE received a notification that delivery to his e-mail address was complete, although no delivery notification was sent by the destination server. The certified mail was returned to the OAE marked “unclaimed.” The regular mail was not returned to the OAE.

As of October 2, 2024, the date of the formal ethics complaint, respondent had failed to file the required affidavit, a step required of all suspended and disbarred attorneys. Consequently, the formal ethics complaint charged respondent with having violated RPC 8.1(b) and RPC 8.4(d) for his willful violation of the Court’s suspension Order. Additionally, the formal ethics complaint was amended to charge him with having violated RPC 8.1(b) a second time by failing to file a verified answer to the complaint, thus, allowing this matter to proceed as a default.

Analysis and Discipline

Violations of the Rules of Professional Conduct

We find that the facts set forth in the formal ethics complaint support all the charges of unethical conduct. Respondent's failure to file an answer to the complaint is deemed an admission that the allegations are true and that they provide sufficient basis for the imposition of discipline. R. 1:20-4(f)(1).

Specifically, R. 1:20-20(b)(15) requires a suspended attorney, within thirty days of the Court's Order of suspension, to "file with the Director [of the OAE] the original of a detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court's order."

As the Appellate Division has observed, "the provisions of R. 1:20-20(b)(1) to (14) are designed to protect clients of the [suspended or] disbarred attorney, as well as any other individuals who might unknowingly seek to retain that attorney during the period of his suspension." Eichen, Levinson & Crutchlow, LLP v. Weiner, 397 N.J. Super. 588, 596 (App. Div. 2008). Non-compliance with R. 1:20-20 therefore obstructs one of the primary purposes of the disciplinary system, "to protect the public from an untrustworthy lawyer." See In re Rigolosi, 107 N.J. 192, 206 (1987) ("The purpose of a disciplinary proceeding, as distinguished from a criminal prosecution, is not so much to

punish a wrongdoer as it is to protect the public from an untrustworthy lawyer.”) (citing In re Pennica, 36 N.J. 401, 418-19 (1962)). Non-compliance with R. 1:20-20 may also cause “confusion among . . . clients and an administrative burden for the courts.” In re Kramer, 172 N.J. 609, 626 (2002).

For those reasons, and by operation of Rule, in the absence of an extension granted by the Director of the OAE, failure to file an affidavit of compliance pursuant to R. 1:20-20(b)(15) within the time prescribed “constitute[s] a violation of RPC 8.1(b) . . . and RPC 8.4(d).” R. 1:20-20(c).

Here, respondent willfully violated the Court’s suspension Order, filed on January 29, 2024, by failing to file the required affidavit, a step required of all suspended attorneys. Respondent, thus, violated R. 1:20-20 and, consequently, RPC 8.1(b) and RPC 8.4(d). Moreover, he violated RPC 8.1(b) a second time by failing to file an answer to the formal ethics complaint and allowing this matter to proceed as a default.

In sum, we find that respondent violated RPC 8.1(b) (two instances) and RPC 8.4(d). The sole issue left for our determination is the appropriate quantum of discipline for respondent’s misconduct.

Quantum of Discipline

Attorneys with less serious disciplinary histories have received reprimands, in default matters, for their failure to file the R. 1:20-20 affidavit. See, e.g., In re Hildebrand, ___ N.J. ___ (2025) (the attorney failed to file the required affidavit following his six-month suspension in connection with his misconduct in a prior disciplinary matter); In re Ashton, 257 N.J. 225 (2024) (the attorney failed to file the required affidavit following his disciplinary suspension, in connection with a motion for reciprocal discipline; his disciplinary history consisted only of the prior two-year suspension); In re Cottee, 255 N.J. 439 (2023) (the attorney failed to file the required R. 1:20-20 affidavit of compliance, despite the OAE's specific requests that he do so; his disciplinary history consisted only of a prior three-month suspension, in a 2021 reciprocal discipline matter); In re Spielberg, 255 N.J. 469 (2022), 2022 N.J. LEXIS 739, and In re Stack, 255 N.J. 468 (2022) 2022 N.J. LEXIS 737 (the attorneys failed to file their respective affidavits of compliance following their 2020 temporary suspensions for failing to cooperate with separate OAE investigations; Spielberg had no prior final discipline and Stack had a prior 2019 admonition, in a non-default matter).

Here, respondent's misconduct and disciplinary history is most analogous to that of the attorney in Spielberg, who was reprimanded. Like Spielberg,

respondent failed to file his affidavit of compliance following the Court's issuance of its January 29, 2024 Order temporarily suspending him for failing to comply with the OAE's investigation underlying Jucket I. Also like Spielberg, he had no formal prior discipline at the time of the misconduct. There are no other aggravating factors to warrant an enhancement of discipline. Moreover, this matter presents no mitigating factors for our consideration.

Conclusion

On balance, we determine that a reprimand is the appropriate quantum of discipline to protect the public and preserve confidence in the bar.

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

By: /s/ Timothy M. Ellis
Timothy M. Ellis
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Jay Lowell Juckett
Docket No. DRB 24-284

Decided: May 16, 2025

Disposition: Reprimand

<i>Members</i>	Reprimand
Cuff	x
Boyer	x
Campelo	x
Hoberman	x
Menaker	x
Modu	x
Petrou	x
Rodriguez	x
Spencer	x
Total:	9

/s/ Timothy M. Ellis

Timothy M. Ellis
Chief Counsel