DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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October 28, 2025

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

Re: **In the Matter of Albert W. Allison**
Docket No. DRB 25-213
District Docket No. IV-2024-0015E

Dear Ms. Baker:

The Disciplinary Review Board (the Board) has reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board deems appropriate) filed by the District IV Ethics Committee (the DEC) 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 reprimand is the appropriate quantum of discipline for respondent's violation of RPC 1.1(a) (committing gross neglect); RPC 1.3 (lacking diligence); RPC 1.4(b) (failing to keep a client reasonably informed about the status of a matter); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

According to the stipulation, in February 2021, Reginald Weeks retained respondent to represent him in connection with an appeal pending before the Administrative Office of Law (the OAL), following his termination as an

employee at an integrated care facility. Weeks was accused of assaulting an autistic youth patient during transport. Following an investigation, the Institutional Abuse Investigation Unit (the IAIU) – a subset of the Division of Children and Families (DCF) – issued a finding of abuse against Weeks. Consequently, Weeks was terminated and informed that he was no longer permitted to work for the State, among other serious collateral consequences.

According to the terms of the parties' written fee agreement, Weeks agreed to pay respondent a flat fee of $5,500 for the representation and, for any work exceeding the scope of the agreement, Weeks would be billed at an hourly rate.

For the next two years, the appeal remained pending before the Honorable Sarah G. Crowley, A.L.J. During that time, respondent participated in a number of telephonic conferences with the assigned deputy attorney general (DAG) and Judge Crowley.

During the first year of the representation, respondent regularly communicated with Weeks, via telephone or e-mail. However, in 2022, communication significantly decreased. Specifically, Weeks would often have to initiate contact with respondent and, frequently, his attempts to reach respondent were met with an automated message stating that respondent was not in the office. Weeks would sometimes go weeks without hearing from respondent.

In June 2022, following respondent's failure to appear before Judge Crowley on two consecutive occasions, Judge Crowley dismissed Weeks' appeal and returned the case to DCF. Thereafter, respondent submitted a letter to Judge Crowley apologizing for his failure to appear and requesting that the matter be reopened. Consequently, Judge Crowley reopened the matter.

On September 28, 2022, Judge Crowley conducted a telephonic conference with the parties, following which the court scheduled a conference for October 27, 2022 and in-person hearings on December 12 and 14, 2022.

On December 6, 2022, respondent requested that Judge Crowley postpone the matter because he had been out of the country and, due to flight cancellations, had not returned as expected. Further, due to his delayed return,

respondent asserted that he had a backlog of court appearances scheduled in other matters, he had not yet reviewed his adversary's exhibits, and he had not had time to confer with Weeks to prepare for the hearing. Consequently, Judge Crowley converted the December 14 hearing date to a telephone status conference and sent written confirmation to the parties, via e-mail, on December 7, 2025. On December 14, 2022, respondent and counsel for DCF attended the telephonic conference with Judge Crowley, during which trial dates were set for March 1 and 2, 2023. Two days later, the OAL notified the parties, in writing, of the trial dates. Respondent, however, failed to inform Weeks of the trial dates.

On February 28, 2023, respondent requested, via e-mail, another adjournment of the trial, which was scheduled to commence the following day. In his e-mail, respondent stated "[u]nfortunately, I am still engaged in an active trial in Superior Court and expect to be so engaged on that date." Respondent, however, failed to provide any details pertaining to the purported trial or why his request was submitted on the eve of trial. Further, as of the date of his adjournment request, respondent had not submitted a witness list, trial binder, or hearing submissions to Judge Crowley.

On March 1, 2022, the DAG and two witnesses appeared in court ready to proceed with the trial. However, neither respondent nor Weeks appeared. For reasons set forth on the record, and later memorialized in a March 7, 2022 written determination, Judge Crowley dismissed the matter and returned it to DCF. Respondent, however, failed to inform Weeks that his matter had been dismissed and failed to provide him with a copy of the dismissal order. Thereafter, respondent made no attempt to reopen the matter before the OAL.

On March 20, 2023, DCF notified respondent, in writing, that the original action it had taken became a final agency determination and that he had forty-five days to seek judicial review. Respondent, however, failed to provide Weeks with a copy of DCF's letter.

On April 25, 2023, nearly two months after Judge Crowley dismissed the appeal, Weeks sent an e-mail to respondent seeking a status update. The next day, respondent replied stating that the matter had been dismissed due to his failure to appear for trial. Although respondent informed Weeks that he was pursuing an appeal to have the matter reopened, he failed to provide Weeks with any information relating to the purported appeal. As of the date of his e-mail to

Weeks, the forty-five-day period in which to appeal remained open. However, respondent failed to file an appeal.

Respondent claimed that various circumstances inhibited his ability to file a timely appeal, including health issues, travel out of the country, and his lack of familiarity with appellate procedure. However, he failed to communicate any of those circumstances to Weeks; nor did he advise Weeks that he may not be able to file the appeal and that Weeks should consider obtaining new counsel or proceeding pro se.

Thereafter, Weeks unsuccessfully attempted to contact respondent by telephone. In January and February 2024, nearly a year after the dismissal of his case, Weeks sent e-mails to respondent, inquiring whether his case had been reopened. Ultimately, in July 2024, Weeks contacted DCF directly to obtain a status update. As of July 2024, respondent had not filed an appeal or any other action to remedy the March 2023 dismissal of Weeks' case.

In addition to filing an ethics grievance against respondent, Weeks also filed a fee dispute, resulting in a determination requiring respondent to refund the full retainer fee.[1]

Based on the foregoing facts, the parties stipulated that respondent violated RPC 1.1(a) by failing, for more than a year, to take any steps to rectify the dismissal of his client's case or to file an appeal, despite acknowledging that these options were available to him after his inaction resulted in the dismissal of Weeks' case. Respondent violated RPC 1.3 by failing to (1) communicate timely and diligently with the court to request an adjournment of the March 1, 2023 trial date, (2) appear for the scheduled trial date, and (3) seek any remedial relief following the dismissal of his client's case. Next, respondent violated RPC 1.4(b) by failing to (1) notify Weeks of the trial dates, (2) notify Weeks of the dismissal of his matter and available remedies, and (3) update Weeks on the status of the anticipated appeal. Further, respondent's reliance on automated e-

[1] Although fee arbitration proceedings generally are confidential, R. 1:20A-5 creates a limited exception when "otherwise necessary for compliance with these rules or to take ancillary legal action in respect thereof." Here, Paragraph 55 of the parties' stipulation of discipline by consent expressly refers to the fee arbitration award. Further, a copy of the fee arbitration determination is attached as Exhibit A-2 to the stipulation and, according to Paragraph 3 of the stipulation, incorporated therein.

mail replies and a voicemail box that was full left Weeks with no meaningful way to contact him. Finally, respondent violated RPC 8.4(d) by (1) failing to timely communicate with the court regarding his request for an adjournment, (2) failing to be prepared to move his client's case forward on the scheduled trial date, and (3) allowing the case to be dismissed based on his non-appearance.

Absent serious aggravating factors, such as harm to the client, conduct involving gross neglect, lack of diligence, and failure to communicate ordinarily results in an admonition, even when accompanied by other non-serious ethics infractions. See In the Matter of James E. Gelman, DRB 24-004 (February 20, 2024), and In the Matter of Hayes R. Young, DRB 23-215 (November 22, 2023). However, the quantum of discipline is enhanced when additional aggravating factors are present. See In re Lueddeke, __ N.J. __ (2022), 2022 N.J. LEXIS 460 (reprimand for an attorney who, eight months after agreeing to pursue a breach of contract claim on behalf of a client, filed a request with a court for a "proof hearing;" the court, however, rejected the attorney's request and notified him to file a motion for a proof hearing; the attorney failed to file the motion and, nearly five months later, the court dismissed the matter for lack of prosecution; the attorney failed to inform his client of the dismissal of his matter or to reply to his inquiries regarding the status of his case; more than a year later, the client independently discovered that his case had been dismissed, following which the attorney, at the client's behest, successfully reinstated the matter and secured a judgment on the client's behalf; prior 2015 admonition for similar misconduct, which gave the attorney a heightened awareness of his obligations to diligently pursue client matters), and In re Barron, __ N.J. __ (2022), 2022 N.J. LEXIS 660 (reprimand for an attorney's combined misconduct encompassing three client matters and eight RPC violations; specifically, the attorney engaged in gross neglect in one client matter, lacked diligence in three client matters, failed to communicate in three client matters, and failed to set forth the basis or rate of his fee in one client matter; in aggravation, the Board weighed the quantity of the attorney's ethics violations and the harm caused to multiple clients, including allowing a costly default judgment to be entered against two clients; additionally, the attorney's conduct cost two clients the chance to litigate their claims; in mitigation, the Board weighed the attorney's cooperation, his nearly unblemished forty-year career at the bar, and his testimony concerning his mental health condition).

Conduct prejudicial to the administration of justice comes in a variety of forms; consequently, the discipline imposed tends to vary widely depending on various attendant factors, including the existence of other violations, the attorney's ethics history, the resulting harm to others, whether the matter proceeded as a default, and other mitigating or aggravating factors. See In re Ali, 231 N.J. 165 (2017) (reprimand for an attorney who disobeyed court orders by failing to appear when ordered to do so and by failing to file a substitution of attorney, violations of RPC 3.4(c) and RPC 8.4(d); the attorney also lacked diligence and failed to expedite litigation in one client matter and engaged in ex parte communications with a judge; in mitigation, the Board considered the attorney's inexperience, unblemished disciplinary history, and the fact that his conduct was limited to a single client matter), and In re Hunziker, 252 N.J. 63 (2022) (censure for an attorney who violated RPC 8.4(d) by ignoring court orders, filing hundreds of state and federal court complaints without conducting any real investigation, failing to answer or reply to a multitude of discovery requests, motions to dismiss, and orders to show cause, filing a multitude of motions to dismiss, both with and without prejudice, as well as a multitude of motions for sanctions, all of which were necessitated by respondent's failure to comply with discovery requests or other court-ordered obligations, and failing to appear for an order to show cause, despite his receipt of notice of the proceeding; the attorney also committed violations of RPC 1.3, RPC 1.4(b), and RPC 5.5(a)(1); in aggravation, the Board considered the egregious nature of the attorney's RPC 8.4(d) violations and the fact that the attorney's misconduct caused harm to his clients; in mitigation, the attorney had suffered federal and state court sanctions for his misconduct and there was a significant passage of time before the commencement of ethics proceedings).

Based upon the above precedent, Barron and Ali in particular, the Board concluded that the baseline discipline for respondent's misconduct is a reprimand. To craft the appropriate discipline in this case, the Board also considered aggravating and mitigating factors.

In aggravation, respondent's misconduct caused demonstrable harm to his client, depriving him of the opportunity to challenge the adverse findings made by DCF, which had collateral consequences that impacted his employment opportunities and ability to adopt or foster children.

In mitigation, respondent has an unblemished disciplinary history in his eleven years at the bar. Further, respondent stipulated to his misconduct, thereby conserving disciplinary resources. However, because these aggravating and mitigating factors were considered in analogizing respondent's misconduct to that of the attorney in Barron and setting the baseline discipline at a reprimand, the Board did not accord these factors additional weight.

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

As a condition to his discipline, the Board recommends that respondent be required to submit proof to the OAE, within thirty days of the Court's disciplinary Order in this matter, that he refunded the $5,500 retainer fee to Weeks, as determined by the fee arbitration committee.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated July 21, 2025.

2. Stipulation of discipline by consent, dated June 15, 2025.

3. Affidavit of consent, dated June 18, 2025.

4. Ethics history, dated September 4, 2025.

Very truly yours,

/s/ Timothy M. Ellis

Timothy M. Ellis
Chief Counsel

TME/knd
Enclosures

c: (w/o enclosures)
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 and interoffice mail)
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