DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

RICHARD J. HUGHES JUSTICE COMPLEX
P.O. BOX 962
TRENTON, NEW JERSEY 08625-0962
(609) 815-2920
drb.mbx@njcourts.gov

May 28, 2026

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

Re: **In the Matter of Zaniah D. Maynor**
Docket No. DRB 26-096
District Docket No. XIV-2023-0166E

Dear Ms. Baker:

The Disciplinary Review Board (the Board) has reviewed the motion for discipline by consent (reprimand or such less discipline as the Board deems appropriate) 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 reprimand, with conditions, is the appropriate quantum of discipline for respondent's violation of RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6), RPC 5.5(a)(1) (engaging in the unauthorized practice of law – failing to file a certificate of insurance with the Clerk of the Court, as R. 1:21-1(B)(b) requires), and RPC 8.1(b) (failing to cooperate with disciplinary authorities).

The stipulated facts are as follows.

On March 27, 2023, the OAE conducted a random audit of respondent's financial records. During the audit, respondent was provided with a copy of the

OAE's recordkeeping manual, commonly referred to as the "Blue Book." The audit revealed fifteen recordkeeping deficiencies and, on March 28, 2023, the OAE informed respondent that a follow-up audit would take place on April 24 to review her corrected records. Respondent, however, failed to appear, representing that she had a flat tire.

Based on respondent's failure to appear for the follow-up audit and the OAE's determination that her records were "grossly incomplete," including her inability to properly account for the $121,074 balance in her ATA, the OAE docketed the matter for a disciplinary investigation.

On May 16, 2023, the OAE directed respondent to appear for a June 8 demand audit. The OAE also instructed her to produce the following records, for the period January 1, 2021 through April 2023: (1) monthly bank statements, canceled checks, wire transfers, deposit items, debit and credit items, and checkbooks; (2) monthly three-way reconciliations; (3) client ledger cards; (4) ATA and ABA receipts and disbursements journals; and (5) a completed attorney bank account disclosure form. Respondent, however, failed to produce the requested records.

On June 1, 2023, the OAE contacted respondent via telephone and e-mail. Five days later, on June 6, 2023, respondent replied to the OAE's e-mail, requesting a return telephone call. The next day, she produced only her ATA and ABA bank statements.

During her June 8, 2023 demand audit, respondent conceded that she had failed to maintain her records in accordance with R. 1:21-6.

On June 12, 2023, the OAE notified respondent that, following its demand audit and review of her bank records it had obtained via subpoena, it discovered the following deficiencies: (1) failure to maintain monthly receipts and disbursements journals for her ATA and ABA; (2) failure to maintain a ledger card identifying funds for bank charges; (3) failure to maintain individual client ledger cards; (4) failure to conduct monthly three-way reconciliations of her ATA; (5) no running ATA checkbook balance; (6) improper cash withdrawals from ATA; (7) electronic transfers from ATA without proper authorization; (8) improper ABA designation; and (9) failure to retain ATA and ABA records for seven years.

Further, respondent failed to file with the Clerk of the Court the professional liability insurance certificate for her law firm, which she operated as a limited liability company, as R. 1:21-1B(b) requires. The OAE also directed that respondent confirm whether she had overdraft protection for her ATA and, if so, to remove it. The OAE again provided respondent with a copy of its Blue Book, and instructed her to take corrective action, cure the deficiencies, and provide reconstructed records by July 12, 2023. Respondent, however, failed to produce the requested records by the deadline.

On July 13, 2023, respondent filed the required certificate of insurance with the Clerk of the Court.[1]

On July 14 and August 14, 2023, the OAE reminded respondent that her records were past due. The OAE also warned her that her failure to cooperate would result in the OAE filing a petition for her temporary suspension. Nevertheless, respondent failed to reply.

On August 16 and 17, 2023, the OAE attempted to reach respondent, via telephone, without success. Consequently, on September 15, 2023, the OAE filed a petition with the Court seeking her temporary suspension from the practice of law. Respondent neither opposed nor replied to the petition. On November 3, 2023, the Court issued an Order directing that she to comply, within thirty days of the date of the Order, with the OAE's outstanding requests for information and documents. Respondent, however, failed to comply.

On November 8, 2023, following the Court's issuance of its November 3 Order, the OAE again attempted to obtain respondent's cooperation with its investigation and directed her to produce the outstanding records by November 30, 2023. On the same date, the OAE also sent respondent, via e-mail, a copy of its June 12, 2023 letter and a third copy of the Blue Book. The OAE further offered respondent the opportunity to ask questions and seek assistance in rectifying the deficiencies. Respondent failed to timely comply with the Court's December 3, 2023 deadline.

On December 4, 2023, respondent contacted the OAE and spoke with the assigned OAE auditor. On December 6, 2023, the OAE informed respondent

[1] According to the filing, the insurance coverage for respondent's law firm began on February 28, 2023, prior to the random audit.

that it would take action consistent with the Court's November 3, 2023 Order. The next day, on December 7, 2023, respondent apologized for her inaction and was granted an extension, to December 11, 2023, to submit her outstanding records. However, she failed to comply with the new deadline.

On various dates throughout December 2023, the OAE auditor communicated with respondent, via telephone and e-mail, in an effort to assist her in bringing her records into compliance. Respondent was nevertheless unable to produce the required conforming records. Consequently, on March 1, 2024, the OAE filed a renewed petition for respondent's temporary suspension, which the Court granted on April 16, 2024. Thereafter, respondent provided the OAE with all outstanding records and, effective May 21, 2024, the Court reinstated her to the practice of law.

According to the OAE, as of May 17, 2024, respondent's records complied with R. 1:21-6.

Based on the foregoing facts, the parties stipulated, and the Board determined, that respondent violated RPC 1.15(d) by failing to maintain her books and records in compliance with R. 1:21-6, RPC 5.5(a)(1) by failing to timely file the required certificate of insurance with the Court Clerk, and RPC 8.1(b) by failing to cooperate fully with the OAE's investigation.

Specifically, respondent violated RPC 1.15(d) by admittedly failing to (1) maintain her monthly ATA and ABA receipts and disbursements journals; (2) maintain a ledger card identifying funds for bank charges or individual client ledger cards; (3) conduct monthly three-way reconciliations of her ATA; (4) maintain a running ATA checking balance; and (5) properly designate her ABA. She also made improper cash withdrawals and electronic transfers from her ATA. Last, she failed to retain her ATA and ABA records for seven years. Eventually, respondent corrected the foregoing recordkeeping deficiencies but only after the Court temporarily suspended her from the practice of law for failing to cooperate with the OAE's investigation.

Next, RPC 5.5(a)(1) prohibits the unauthorized practice of law. Respondent violated this Rule by operating her law firm as a limited liability company without complying with R. 1:21-1B(b). Pursuant to that Rule, a limited liability company formed to engage in the practice of law must file a certificate of insurance with the Clerk of the Court within thirty days after filing its certificate of formation. Consistently, the Board and the Court have found that an attorney who maintains insurance but does not file the certificate of insurance is nonetheless guilty of violating RPC 5.5(a)(1). See In re Ricigliano, 258 N.J. 388 (2024), and In re Klamo, 231 N.J. 395 (2018) (in both matters, finding that the failure to file the certificate of insurance is a separate violation of RPC 5.5(a)(1) from the failure to maintain insurance).

Respondent also violated RPC 8.1(b) by failing to cooperate fully with the OAE's investigation. R. 1:20-(g)(3) requires a lawyer to cooperate in a disciplinary investigation and to reply, in writing, within ten days of receiving a request for information. RPC 8.1(b), in turn, prohibits a lawyer from knowingly failing to reply to a lawful demand for information from a disciplinary authority. As respondent admitted, from the inception of the OAE's investigation, she failed to provide timely or complete replies to the OAE's numerous demands for information and tireless effects to secure her cooperation. Despite the OAE's consistent reminders that her records were overdue, respondent failed to provide the OAE with the records it demanded until the Court temporarily suspended her from the practice of law. It is well-settled that partial compliance with a disciplinary authority's lawful demands for information does not satisfy an attorney's obligation to cooperate with a disciplinary investigation. In the Matter of Marc Z. Palfy, DRB 15-193 (March 30, 2016) at 48 (describing the attorney's "cooperation as no less disruptive and frustrating than a complete failure to cooperate," and noting that "partial cooperation can be more disruptive to a full and fair investigation, as it forces the investigator to proceed in a piecemeal and disjointed fashion"), so ordered, 225 N.J. 611 (2016).

In the absence of negligent misappropriation, recordkeeping infractions ordinarily result in an admonition. See In the Matter of Nosheen Khawaja, DRB 24-171 (September 24, 2024) (a random audit revealed that the attorney committed numerous recordkeeping infractions, including, among other deficiencies, failing to (1) maintain proper ledgers, (2) properly designate her ATA, (3) maintain ATA and ABA journals, (4) conduct three-way reconciliations, (5) maintain an active ABA, and (6) disburse inactive balances from her ATA; the attorney corrected her recordkeeping infractions within eleven months of the random audit; no prior discipline), and In the Matter of David Stuart Bressler, DRB 22-157 (November 21, 2022) (the attorney committed multiple recordkeeping violations, including failing to (1) perform three-way reconciliations, (2) maintain a correctly designated ATA, and (3) preserve images of processed checks; the attorney also commingled client and personal funds; due to the attorney's poor recordkeeping practices, he failed, for two months, to remove his personal funds from his ATA; in mitigation, the attorney rectified his recordkeeping errors, caused no ultimate harm to his clients, and had no disciplinary history).

The baseline discipline for practicing law without complying with applicable insurance requirements is an admonition. See In re Lindner, 239 N.J. 528 (2019) (default; for a three-year period, the attorney practiced law as a limited liability corporation without maintaining professional liability insurance; no prior discipline), and In the Matter of F. Gerald Fitzpatrick, DRB 99-046 (April 21, 1999) (for a six-year period, the attorney practiced law as a professional corporation without maintaining liability insurance).

Respondent also failed to cooperate with the OAE's investigation of her financial records, which uncovered recordkeeping deficiencies. Admonitions typically are imposed for failure to cooperate with disciplinary authorities, if the attorney does not have an ethics history, if the attorney's ethics history is remote, or if compelling mitigation is present. The quantum of discipline is enhanced, however, if the failure to cooperate is with an arm of the disciplinary system, such as a the OAE, which uncovers recordkeeping improprieties in an ATA and requests additional documents. See In re Schlachter, 254 N.J. 375 (2023) (reprimand for an attorney who committed recordkeeping violations and, for almost a year, failed to comply with the OAE's numerous record requests; ultimately, the attorney provided only a portion of the requested records; although the OAE attempted to help the attorney take corrective action, he remained non-compliant with the recordkeeping Rules; in mitigation, the attorney's misconduct resulted in no harm to his clients; no prior discipline), and In re Ricigliano, 258 N.J. 388 (2024) (censure for an attorney who, for a prolonged period, failed to fully cooperate with the OAE's investigation of his financial records, which uncovered inactive balances among other recordkeeping infractions; the attorney also failed to file the required certificate of insurance with the Clerk of the Court, in violation of RPC 5.5(a)(1); although the Board concluded that the baseline discipline for the totality of the attorney's misconduct was a reprimand, the Board imposed a censure based on the attorney's disciplinary history and heightened awareness based on a prior random audit).

Here, respondent's misconduct is most analogous to that of the attorney in Ricigliano, who was censured. Like Ricigliano, respondent committed recordkeeping infractions that did not cause a negligent misappropriation of entrusted funds, failed to cooperate fully with the OAE's investigation, failed to file a certificate of insurance with the Clerk of the Court and, ultimately, consented to discipline. However, unlike Ricigliano, who had compelling aggravating factors that warranted enhancing the discipline from the baseline discipline of a reprimand to a censure, respondent has no prior discipline or interactions with the OAE.

Based on the foregoing disciplinary precedent, the Board concluded that a reprimand is the baseline discipline for respondent's misconduct. To craft the appropriate discipline in this case, however, the Board also considered aggravating and mitigating factors.

There are no aggravating factors to consider. In mitigation, respondent has no prior discipline in her six years at the bar. Further, she admitted her wrongdoing and entered into this discipline by consent, thereby conserving disciplinary resources.

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

Additionally, as conditions to her discipline, the Board recommends that respondent be required to (1) attend an OAE-offered recordkeeping course within six months of the Court's final disciplinary Order in this matter, and (2) submit to the OAE, on a quarterly basis, her monthly three-way reconciliations for a period of two years.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated March 25, 2026.

2. Stipulation of discipline by consent, dated March 25, 2026.

3. Affidavit of consent, dated March 21, 2026.

4. Ethics history, dated May 28, 2026.

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)
Leighann Reilly, Deputy Ethics Counsel
Office of Attorney Ethics (e-mail)
Zaniah D. Maynor, Respondent (e-mail and regular mail)