DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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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 William J. Caldwell
Docket No. DRB 26-066
District Docket No. XIV-2024-0353E

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 Office of Attorney Ethics (the OAE) in this 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).

The stipulated facts in this matter are as follows.

During the relevant timeframe, respondent maintained several attorney trust accounts (ATAs) and attorney business accounts (ABAs), at various banks. However, the instant charges relate exclusively to three accounts, identified in the stipulation as ATA 4109, ATA 6365, and ATA 8350, maintained at TD Bank.

On January 17, 2024, the OAE conducted a random compliance audit of respondent's financial records, which revealed the following recordkeeping deficiencies: failure to maintain an ATA; insufficiently descriptive ABA receipts and disbursements journals; failure to maintain ATA and ABA records for seven years; and failure to file with the Clerk of the Court the professional liability insurance certificate for his law firm, a professional corporation.

On February 26, 2024, respondent sent the OAE a letter, with a copy of his ABA statements for the preceding twelve months. In the letter, he represented that he previously had opened a trust account (ATA 4109), on April 14, 2022, which remained open; however, he asserted that there had never been any activity in that account.[1]

On March 19, 2024, respondent submitted additional documentation to the OAE, confirming having opened a new ATA, on the same date, at TD Bank (ATA 8350). Respondent stipulated, however, that ATA 8350 was soon closed, on April 30, 2024, less than two months after it was opened.

On June 26, 2024, respondent sent the OAE another letter, providing an update on the status of his ATA and his ATA records, as follows: "When I asked TD Bank to produce [my ATA] statements, I was informed that the bank had miscoded my original [t]rust [a]ccount as a regular business account. [Further, w]hen there was no activity in that account for two months[,] they closed the account." Respondent asserted that he consequently was engaged in the process of opening "a replacement trust account" with TD Bank.[2]

In August 2024, based on respondent's representations that, as of June 2024, he had corrected or would soon be correcting the identified deficiencies, the OAE closed the random audit. In the meantime, however, on July 29, 2024,

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[1] The parties stipulated that ATA 4109 was subsequently closed, on January 31, 2025.

[2] The record does not specify the account numbers of the "original [t]rust [a]ccount" or the "replacement trust account" which respondent referenced in his June 26, 2024 letter. However, given his admission that his ATA 8350 was closed within two months after its opening and, further, given the fact that an overdraft was later registered in his ATA 6365, subsequent to the date of his June 26, 2024 letter, the record strongly supports the inference that he viewed (and was intending to reference) ATA 8350 as his "original" ATA, and ATA 6365 as his "replacement" ATA. Although the stipulation also does not specify the date on which respondent opened his ATA 6365, it does note that the account was closed on September 30, 2024, subsequent to his June 26 correspondence.

TD Bank informed the OAE that an overdraft had occurred in respondent's ATA 6365, as a result of his issuance of a $36,000 check from the account, on July 26, 2024, when there were no funds available. Consequently, on August 8, 2024, the OAE docketed the matter for disciplinary investigation.

On January 30, 2025, respondent participated in a demand audit, which disclosed several new recordkeeping deficiencies, as well as two of the same deficiencies the OAE had identified during the 2024 random audit. Although the OAE previously had directed respondent to correct those deficiencies, he had not yet done so. Specifically, as a result of the demand audit and the review of respondent's subpoenaed books and records, the OAE determined that he had failed to maintain: an ATA; monthly three-way ATA reconciliations; ATA receipts and disbursements journals; fully descriptive client ledger cards; and proper account designations on his ATA checks and deposit slips. He also had made improper cash withdrawals from his ATA and failed to retain his ATA records for seven years.

As a result of its investigation, the OAE determined that the overdraft of respondent's ATA 6365 resulted from his premature issuance of an ATA check to himself, for earned fees, before related settlement funds were available for withdrawal. The OAE further determined that, when the previously deposited funds later became available for withdrawal, he properly disbursed the settlement proceeds to the client and re-disbursed the earned fees to himself, via checks issued from the same ATA. The parties stipulated that, because his ATA 6365 held no other client or third-party funds, these transactions did not result in the invasion of any entrusted funds.

On June 27, 2025, the OAE sent respondent a letter, directing him to correct the identified infractions and provide written confirmation of the actions he took to redress the deficiencies. Although respondent replied to the letter and verified some of the corrective actions he had undertaken, he nevertheless stipulated that he failed to timely correct his deficient three-way ATA reconciliations and client ledger cards and, as of March 11, 2026 – the date on which the stipulation was filed – still had not brought his books and records into compliance with R. 1:21-6.

Based on the foregoing facts, the parties stipulated that respondent violated RPC 1.15(d).

Specifically, respondent violated that Rule, which requires an attorney to comply with the recordkeeping requirements of R. 1:21-6, by failing to maintain: a conforming ATA; monthly three-way ATA reconciliations; monthly ATA receipts and disbursements journals; fully descriptive client ledger cards; and proper account designations on his ATA checks and deposit slips. He also made improper cash withdrawals from his ATA and failed to retain his ATA records for seven years. Although respondent rectified many of the foregoing recordkeeping deficiencies following the OAE's 2025 demand audit, he nevertheless acknowledged that he had failed to remediate all the noted deficiencies. He further acknowledged that the OAE previously had identified two of the same deficiencies, in connection with its earlier January 2024 random compliance audit. Despite his assurances to the OAE, in June 2024, that he had corrected or would be correcting all the deficiencies discovered through that prior audit, he failed to do so by the January 2025 demand audit.

In the absence of negligent misappropriation, recordkeeping infractions ordinarily result in an admonition; however, a reprimand typically is imposed when an attorney also fails to correct recordkeeping deficiencies that were previously brought to the attorney's attention. See, e.g., In re Sheller, 257 N.J. 495 (2024) (a random compliance audit of the attorney's financial records revealed recordkeeping deficiencies that the OAE previously had identified in a random audit conducted eight years earlier; the attorney also failed to cooperate with the OAE's investigation, despite the passage of fourteen months and multiple prompts from the OAE; violations of RPC 1.15(d) and RPC 8.1(b); in mitigation, the attorney had no prior discipline in thirty-one years at the bar and stipulated to his misconduct); In re Polcari, 255 N.J. 403 (2023) (the attorney violated recordkeeping requirements and also failed to timely disburse more than $27,000 to her clients; in aggravation, the attorney had a heightened awareness of her recordkeeping obligations, having previously been the subject of a random compliance audit; no prior discipline in thirty-seven years at the bar); In re Abdellah, 241 N.J. 98 (2020) (the attorney should have been mindful of his recordkeeping obligations based on a prior interaction with the OAE in connection with his recordkeeping practices, although that interaction had not led to disciplinary charges; violation of RPC 1.15(d); no prior discipline in thirty-six years at the bar).

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

In aggravation, respondent had a heightened awareness of his recordkeeping obligations, given his recent participation in the January 2024 random compliance audit. Further, as of March 11, 2026 – the date of the stipulation – he still had not brought his books and records into compliance with R. 1:21-6, despite multiple opportunities to do so. See In re Silber, 100 N.J. 517 (1985) (considering, in aggravation, the attorney's failure to remediate conduct despite opportunities to do so).

In mitigation, respondent has an unblemished disciplinary history spanning more than forty-five years at the bar, a factor that both we and the Court typically accord considerable weight. In re Convery, 166 N.J. 298, 308 (2001). He also stipulated to his misconduct, thereby accepting responsibility and conserving disciplinary resources.

On balance, the Board determined that the aggravating and mitigating factors are in equipoise and, thus, concluded that a reprimand is the quantum of discipline necessary to protect the public and preserve confidence in the bar.

Additionally, as conditions to his discipline, the Board recommended that respondent be required, within ninety days of the Court's disciplinary Order, to (1) attend an OAE-approved recordkeeping course, (2) submit proof to the OAE that he has corrected all the recordkeeping deficiencies identified in the stipulation. He also should be required to submit to the OAE, on a quarterly basis, his monthly three-way reconciliations for a period of two years.

Enclosed are the following documents:

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

2. Stipulation of discipline by consent, dated March 11, 2026.

3. Affidavit of consent, dated March 4, 2026.

4. Updated 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)
Alexandra Julie Gitter, Deputy Ethics Counsel
Office of Attorney Ethics (e-mail)
William J. Caldwell, Respondent (e-mail and regular mail)