

PRESIDENT'S PERSPECTIVE

JERALYN L. LAWRENCE

Let's Work Together to Navigate Our Professional Responsibilities



Ethics and professional responsibility are key underpinnings of the legal profession.

I recently had the pleasure of welcoming the newest 1L students at the state's law schools. At each orientation ceremony, I had the opportunity to share with them thoughts on the significance of becoming an attorney and that being a lawyer means being

held to a higher standard. Our knowledge and skills are special—we have a unique set of tools and we must do everything we can to ensure the public, who turns to us for help, has faith that we will handle their matters with skill and a high level of attention to ethical guidelines.

grams, free member webinars from PracticeHQ and a new online resource center with information gathered from around the legal community that can be found at njsba.com.

We have seen firsthand how disastrous it can be for attorneys who end up facing ethics violations because they didn't understand or follow the rules for handling client funds. In New Jersey, any activity found to be knowing misappropriation leads to disbarment. While it is certainly appropriate when attorneys knowingly steal from clients, that level of punishment is sometimes imposed in cases where arguably any misappropriation was due to inattentive, sloppy or negli-

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gent recordkeeping—or even by simply making mistakes with client funds. Those were the kinds of issues at the center of two recent cases, *In the Matter of Dionne Larrel Wade An Attorney at Law* and *In the Matter of Joseph Cicala*. Both of these attorneys have been disbarred.

The duration of disbarment is now being studied and the Association is actively advocating for a change to the rules to allow a path to reinstatement, as is the practice in almost every other state in the country.

Here is some critical advice to anyone who might be facing an ethics charge or a random audit:

Get a lawyer.
Immediately.
You must cooperate with the investigation or audit, but do not do it alone.

The NJSBA knows how important these ideals are and also knows that sometimes it is necessary to get some help with practice-related issues, such as trust accounting and other topics that aren't necessarily taught in law school. That's why we have devoted considerable *amicus* efforts on these topics and created resources, including continuing legal education pro-

We are a profession of problem solvers. So it is our natural instinct to try to resolve a problem or issue with our practice on

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with potential federal enforcement.

Bruce Rosen and Brittany Burns recount the development of free speech rights on private property uniquely founded on state constitutional principles. Robert F. Williams offers a reprint of his 1997 article, “From Ridicule to Respect” with an updated epilogue, echoing the continuing vitality of state constitutional jurisprudence. Connell catalogues each of our state constitutional amendments over the last 25 years, covering policy as well as governance issues.

Edward Hartnett offers a clarion exegesis of the legal complexities of restricting under our state constitutional requisites. Alan Zegas tracks the case law developing in the wake of our groundbreaking constitutional amendment

concerning bail reform. Hon. Gary K. Wolinetz and Bruce D. Greenberg explore the somewhat shifting sands of the right to a jury trial under the New Jersey Constitution. Ronald Chen acts as a scholarly guide through the murky constitutional morass of the intersection of actions in lieu of prerogatives writs and administrative actions.

Hon. Peter Buchsbaum draws on his considerable expertise to highlight the growth of the *Mt. Laurel* doctrine required under the New Jersey Constitution. Then, Steve Richman takes a completely different tack, treating not an existing state constitutional provision, but exploring the possibility of a new amendment concerning firearms regulation premised on state constitutional

guarantees of public safety, a proposal that should be keenly noted by our New Jersey Legislature.

Finally, Judge Buchsbaum highlights a resource for lawyers, political figures, and the general public with a review of “New Jersey State Constitution,” a book that provides a look at the state constitution’s origin story, its evolution, and an analysis of its impact.

Our state constitution is the highest form of law in our state. It affects a wide range of our citizens’ and clients’ activities—many more than the federal Constitution. It is actually fairly accessible for our clients and ourselves. Yet it remains much less understood than the federal document. We will continue to address this paradox in these pages. ■

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our own. The reflex to try to explain the way through it is ingrained in us. Don’t do it. Remember—this, like any part of the legal system, is an adversarial process and you should absolutely retain counsel.

Doing so isn’t a reflection of guilt or wrongdoing. We never encourage friends to represent themselves *pro se* in any matter, certainly one that could lead to the end of their livelihood. Rather, seeking counsel is the ethical approach to any

ethics investigation. An attorney who handles these kinds of matters has a special expertise that most of us do not possess. Having an attorney can also help neutralize emotions in stressful interviews and document review sessions. Furthermore, an experienced practitioner can help make the entire process smoother, including for representatives of the ethics system.

My Putting Lawyers First Task Force is actively examining ways to improve the lives of lawyers, and that means gathering information concerning the ethics and

fee arbitration systems. It is collecting information from NJSBA members regarding positive experiences with either system, as well as areas in which they can be improved. We would like to propose solutions and changes to areas in the law that need to be fixed.

Any member who has had involvement with them as a respondent, investigator, attorney for respondent, or in any other way, should share feedback with Task Force Chairs Matheu D. Nunn at MNunn@einhornlawyers.com, and Robin Bogan at rcb@pbfamlaw.com. ■



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