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(I) Failure to Comply. If during the term of the supervision, the Director becomes aware of facts that should be brought to the Court's attention, such as a respondent's failure to comply with the conditions of supervision or a supervisor's failure to comply therewith or a request to be relieved, the Director shall petition the Court for an appropriate order on notice to the supervisor and the respondent.

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Note: Adopted January 31, 1995 to be effective March 1, 1995; paragraphs (a), (b), (c), (f), (g), (h), (i), (j), (k), and (l) amended July 28, 2004 to be effective September 1, 2004.

Rule History

Page#248-¶3 [Start Discussion](#)

1:20-19. Appointment of Attorney-Trustee to Protect Clients' Interest

Page#249-¶4

(a) Jurisdiction; Appointment.

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(1) Regular Attorney-Trustee. If an attorney has been suspended or disbarred or transferred to disability-inactive status and has not complied with R. 1:20-20 (future activities of disciplined or disability-inactive attorneys), or has abandoned the law practice, or cannot be located, or has died, and no partner, shareholder, executor, administrator or other responsible party capable of conducting the respondent's affairs as stated hereinafter is known to exist, the Assignment Judge, or designee, in the vicinage in which the attorney maintained a practice may, on proper proof of the fact and on the application of any interested party, appoint one or more members of the bar of the vicinage where the law practice is situate as attorney-trustee. Where a responsible party capable of conducting respondent's affairs is known to exist, and where that person is a New Jersey attorney or has retained a New Jersey attorney, that attorney may be appointed and directed to take appropriate action. Notice of an order of appointment shall be given to the Director of the Office of Attorney Ethics and the secretaries of the appropriate Ethics Committee and Fee Committee and county bar association in the vicinage.

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(2) Temporary Attorney-Trustee. When, in the opinion of the Assignment Judge, an attorney is otherwise unable to carry on the attorney's practice temporarily so that clients' matters are at risk, the Assignment Judge, or designee, in the vicinage in which the attorney maintained a practice may, on proper proof of the fact and on the application of any interested party, appoint a temporary attorney-trustee for a period of up to six months

following the same conditions and procedures set forth in subparagraph (a) (1) of this Rule. The purposes of the temporary attorney-trustee shall be to preserve, in so far as practical, the practice of the attorney and all attorney-client relationships pending a report to the Assignment Judge at 150 days after appointment as to the attorney's condition and ability to resume the practice. The Assignment Judge may then either dissolve the temporary attorney-trusteeship or convert it to a regular attorney-trusteeship as if created under subparagraph (a)(1) of this Rule.

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The temporary attorney-trustee shall have the powers and responsibilities authorized by the Assignment Judge, as well as those specifically granted above and those in paragraphs (c), (e) and (h). The temporary attorney-trustee shall not have the powers granted under paragraphs (d), (f) and (g), except that the reports required by paragraph (d) shall be filed.

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The temporary attorney-trustee shall not apply for legal fees within the first thirty days after appointment, but may at any time be awarded reasonable costs and expenses as stated under paragraph (h), including the right to satisfy those costs and expenses from the attorney's business or personal accounts as directed by the Assignment Judge. After thirty days from appointment, the temporary attorney-trustee may apply to the Assignment Judge for reduced legal fees below the normal hourly rate in accordance with paragraph (h).

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The attorney whose practice is subjected to a temporary trusteehip shall have the right to make application at any time for an order vacating the temporary trusteehip on notice to all interested parties.

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(b) Purposes; Inventory of Files, Trust and Other Assets. The purposes of the appointment shall be (1) to inventory active files and make reasonable efforts to distribute them to clients, (2) to take possession of the attorney trust and business accounts, (3) to make reasonable efforts to distribute identified trust funds to clients or other parties (other than the attorney), and (4) after obtaining an order of the court, to dispose of any remaining funds and assets as directed by the court. The attorney-trustee shall have no obligation or liability to the attorney. The attorney-trustee may take possession of the attorney's law practice and, in accordance with R.1:20-20(b)(13), all monies and fees due the attorney for the sole purpose of creating a fund for payment of reasonable fees, costs and expenses of the trusteehip as ordered by the court under paragraph (h).

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(c) Protection of Client Information. Any attorney-trustee shall not disclose any information contained in any files under this rule without the consent of the client to whom the file relates, except

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252 N.J. 1; 473 N.J. Super. 558; L. 2022 c. 125

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as necessary to carry out the order of appointment or to comply with any request from an Ethics Committee or the Director.

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(d) Reports; Instructions. The attorney-trustee shall file an initial report with the Assignment Judge or designee within 120 days after appointment and a final report prior to being discharged. The reports shall describe the nature and scope of the work accomplished and to be accomplished under this rule and the significant activities of the attorney-trustee in meeting the obligations under the rule. The final report must include accountings for any trust and business accounts, the disposition of active case files and any requests for disposition of remaining files and property. The attorney-trustee may apply to the Assignment Judge, or such other Judge as may be designated, for instructions whenever necessary to carry out or conclude the duties and obligations imposed by this rule.

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(e) Immunity. All attorney-trustees appointed pursuant to this rule shall be immune from liability for conduct in the performance of their official duties in accordance with R. 1:20-7(e). This immunity shall not extend to employment under section (f).

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(f) Acceptance of Clients. With the consent of any client, the attorney-trustee may, but need not, accept employment to complete any legal matter.

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(g) Legal Responsibility of Attorney. The attorney for whom an attorney-trustee has been appointed is liable to the attorney-trustee for all fees, costs, and expenses reasonably incurred by the attorney-trustee as approved by the court under paragraph (h).

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(h) Legal Fees and Costs. The attorney-trustee shall be entitled to reimbursement from the attorney for (1) actual expenses incurred by the attorney-trustee for costs, including, but not limited to, reasonable secretarial, paralegal, legal, accounting, telephone, postage, moving and storage expenses, and (2) reasonable hourly attorneys' fees. Application for allowance of fees, costs, and expenses shall be made by affidavit to the appointing judge, or designee, who may enter a judgment in favor of the attorney-trustee against the attorney. The application shall be accompanied by an accounting in a form and substance acceptable to the court. The application shall be made on notice to the attorney or, if deceased, to the attorney's personal representative, or heirs. For good cause shown, an interim application for costs and legal fees may be made. The attorney-trustee shall be accorded a priority as an administrative expense for all

attorney fees, costs, and expenses awarded by the court. If, after paying the attorney-trustee, there are funds or assets remaining, the Assignment Judge or designee may make such order of disposition as may be appropriate.

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Note: Adopted November 5, 1986 to be effective January 1, 1987; former R. 1:20-12 redesignated 1:20-19, paragraphs (a) and (b) amended and paragraph (f) adopted January 31, 1995 to be effective March 1, 1995; paragraph (a) amended, former paragraphs (b), (c), and (f) redesignated as (c), (d), and (h) and captions and text amended, former paragraphs (d) and (e) redesignated as (e) and (f) and amended, and new paragraphs (b) and (g) adopted July 28, 2004 to be effective September 1, 2004; paragraph (a) amended July 27, 2006 to be effective September 1, 2006; paragraph (a) text redesignated as subparagraph (a)(1), subparagraph (a)(1) caption adopted, new subparagraph (a)(2) caption and text adopted July 9, 2008 to be effective September 1, 2008.

Rule History

Page#250-¶8 [Start Discussion](#)

1:20-20. Future Activities of Attorney Who Has Been Disciplined or Transferred to Disability-Inactive Status

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(a) Prohibited Association. No attorney or other entity authorized to practice law in the State of New Jersey shall, in connection with the practice of law, employ, permit or authorize to perform services for the attorney or other entity, or share or use office space with, another who has been disbarred, resigned with prejudice, transferred to disability-inactive status, or is under suspension from the practice of law in this or any other jurisdiction.

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(b) Notice to Clients, Adverse Parties and Others. An attorney who is suspended, transferred to disability-inactive status, disbarred, or disbarred by consent or equivalent sanction:

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(1) shall not practice law in any form either as principal, agent, servant, clerk or employee of another, and shall not appear as an attorney before any court, justice, judge, board, commission, division or other public authority or agency;

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(2) shall not occupy, share or use office space in which an attorney practices law;

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(3) shall not furnish legal services, give an opinion concerning the law or its application or any advice with relation thereto, or suggest in any way to the public an entitlement to practice law, or draw any legal instrument;

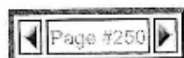
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(4) shall not use any stationery, sign or advertisement suggesting that the attorney, either alone or with any other person, has, owns, conducts, or maintains a law office or office of any kind for the practice of law, or that the attorney is entitled to practice law;

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(5) shall, except for the purposes of disbursing trust monies for the 30-day period stated in this subparagraph, cease to use any bank accounts or checks on which the attorney's name appears as a lawyer or attorney-at-law or in connection with the words "law office". If the suspension is for a period

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1:20-20

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- COMMENT

profession of law, cultivating professional and social relations among its member, advancing the public welfare, and promoting the proper administration of law. In furtherance of such purpose, it is an "interested party" in proceedings to obtain the appointment of a trustee for the protection of the assets of any attorney and the interests of such attorney's clients, under R. 1:20-19, when such attorney has passed away or has otherwise become subject to the application of said Rule.

2. On or about September 19, 2022, I was contacted by Christopher Luongo, Deputy Morris County Surrogate regarding the [REDACTED]'s request that an attorney trustee pursuant to R. 1:20-19 be appointed. Subsequently, on or about September 19, 2022, I spoke directly with a representative of the [REDACTED] and confirmed the request that I be appointed as attorney trustee for the deceased attorney. During this conversation with the representative of the deceased attorney, I also explained the procedures and requested that they safeguard all files, checkbooks, banking records of the law practice and any correspondence being received by the law practice of the deceased attorney.

3. [REDACTED] was an attorney at law of the State of New Jersey in good standing at the time of his death, and was admitted to practice in 1966. He last maintained an office for the practice of law at [REDACTED] Morris County, New Jersey [REDACTED] [REDACTED] passed away on [REDACTED]. Attached as **Exhibit A**. Is a true copy of the Death Certificate

4. To the best of my knowledge, [REDACTED] made no prior arrangements to appoint a trustee to inventory the active files, take control of the trust and business accounts and take what other actions seem indicated including notification of clients, to protect the interests of his clients and himself.

5. To the best of my knowledge, the Estate representative represented to me that [REDACTED] did not have any partners, shareholders, associates, or any other responsible party capable of conducting the affairs of his law practice at the time of his death, and the Court's appointment of a trustee for said purpose under R. 1:20-19 is necessary and appropriate.

6. I am an attorney at law of the State of New Jersey in good standing, admitted to practice in 1996. During my career, I have served on the District X Ethics Committee and the District X Fee Arbitration Committee. I have previously been appointed and involved in attorney trustee matters and am familiar with the Rule and the responsibilities. Attached hereto as **Exhibit B** is a true and complete copy of my Curriculum Vitae setting forth my credentials for the Court's reference.

WHEREFORE, I respectfully request that an Order be entered appointing Alice M. Plastoris, Esq., with offices at 33 Washington Street, Morristown, New Jersey 07960, as the attorney trustee for [REDACTED] pursuant to R. 1:20-19, to inventory the active files, if any, or closed files associated with any trust account monies still remaining, of [REDACTED] and to take control of the attorney's trust and business accounts and any trust assets, and take all necessary actions to fulfill the requirements of R. 1:20-19, and for such other relief as the Court may deem appropriate.



ALICE M. PLASTORIS, ESQ., Petitioner
33 Washington Street
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(973) 538-7070
Email: aplastoris@plastoris.com

Date: October 5, 2022

FILED

OCT 2022

NEW JERSEY
COURT OF CHANCERY
TREASURY CLERK

ALICE M. PLASTORIS, ESQ. - ID#018461996

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Morristown, New Jersey 07960

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Petitioner

IN THE MATTER OF

An Attorney-at-Law
of the State of New Jersey

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY

DOCKET NO. _____

Civil Action

ORDER FOR APPOINTMENT
OF ATTORNEY TRUSTEE
PURSUANT TO R. 1:20-19

THIS MATTER, having been opened to the Court before the Honorable Stuart A. Minkowitz, A.J.S.C., on the petition of Alice M. Plastoris, Esq., and the _____, _____, for the appointment of an Attorney-Trustee pursuant to R. 1:20-19, and it appearing from the petition submitted that, _____, an attorney at law of the State of New Jersey, died on _____, and that the appointment of an Attorney-Trustee is required to protect the interests of said attorney's clients; and said attorney having formerly maintained an office located at _____, New Jersey _____ and for good cause shown;

IT IS on this 11th Day of OCT, 2022;

ORDERED that ALICE M. PLASTORIS, ESQ., an Attorney at Law of the State of New Jersey, with offices located at 33 Washington Street, Morristown, New Jersey 07960, be and hereby is appointed as Attorney-Trustee pursuant to R 1:20-19, for the law practice of _____.

[REDACTED]; and

IT IS FURTHER ORDERED that the Attorney-Trustee shall (1) inventory such files of said attorney, if necessary, and make reasonable effort to distribute them to clients; and (2) identify any attorney trust account funds remaining, and take custody of the said attorney's attorney trust and business accounts and other trust assets, to be identified and returned to the appropriate client or other party (other than the attorney), if necessary or possible, and (4) to take such other actions as authorized by R. 1:20-19 and the Court, including filing of reports with the court, as directed by the Court and R. 1:20-19, and with the authority to do and to perform any act necessary conferred by R. 1:20-19, and the rules and regulations of the Supreme Court with respect to the law practice of [REDACTED], Esq.; and

IT IS FURTHER ORDERED that any and all banking institutions for any business or trust accounts of the law practice of [REDACTED], shall cooperate with the attorney trustee and turn over to the attorney trustee any banking records of the law practice in order for the attorney trustee to fulfill her duties pursuant to R. 1:20-19; and

IT IS FURTHER ORDERED that no funds shall be distributed from any account except upon order of the Court; and

IT IS FURTHER ORDERED that Attorney-Trustee, ALICE M. PLASTORIS, ESQ., pursuant to this Order of the Court, shall be immune from liability for conduct in the performance of her official duties in accordance with R. 1:20-19(d); and

IT IS FURTHER ORDERED that a copy of this Order be served upon the above named Attorney-Trustee, the Office of Attorney Ethics, Morris County Bar Association and any other persons named in R. 1:20-19(a) by mailing a copy via first class mail; and

IT IS FURTHER ORDERED that all filing fees in this matter are hereby waived.



HON. STUART A. MINKOWITZ, A.J.S.C.

____ Opposed
____ ✓ Unopposed