

MINUTES

DISCIPLINARY OVERSIGHT COMMITTEE

June 16, 2004

9:30 a.m.

Chubb & Son - Warren, N.J.

Members in Attendance:

Lanny S. Kurzweil, Esq., Chair
Kathy Flicker, Esq., Vice-Chair
Richard Bland, Esq.
Robert Boyle
John Degnan, Esq.
Lee Neuwirth
Raymond Ocasio

AOC Representatives:

Linda McAdams
Shelley Webster

OAE and DRB Representatives:

Julianne DeCore (DRB Chief Counsel)
John J. Janasie, Esq. (OAE First Assistant)
Janet Miller, Esq. (Statewide Coordinator)

DOC Staff:

Paula Granuzzo, Esq.
Denise McCollum

I. Minutes

The Minutes of the March 17, 2004, meeting were unanimously approved.

II. OAE Report on Volunteer Attorneys

First Assistant John Janasie gave the Committee an update on the progress of the use of the NJSBA volunteers to assist in backlog clearance in the complex group. Referring the Committee to the OAE's June 1, 2004, report, Mr. Janasie told the DOC that volunteers had been identified, selected, and trained. In addition, appropriate cases had been identified and assigned to

those volunteers. OAE liaisons also were assigned to each case. Mr. Janasie told the Committee that the OAE would continue to provide quarterly reports on the progress of the pilot.

III. Report of the Budget Subcommittee

A. Discussion of Biennial Billing and Use of Credit Card Registration Payment

Linda McAdams and Shelley Webster reported to the Committee on the status of their preliminary discussions with the Lawyers' Fund regarding the possibility of employing a biennial billing cycle as a registration costs-savings mechanism, as well as the possibility of making available the option of using a credit card to pay one's annual registration fee. In respect of credit card registration payment, Ms. McAdams told the Committee that the costs of building such a system would be fairly substantial. Moreover, if that payment mechanism did not generate a high usage rate, then the system would essentially be supporting two payment mechanisms (including the current lock-box system) with no substantial savings in manpower and revenue.

In respect of biennial billing, Ms. McAdams reported that concerns were expressed about losing track of even more respondents. However, she indicated that she would be communicating with New York authorities to learn their experience with biennial billing and would report back to the Committee at its next meeting. Staff was asked to list the matter on the next agenda. Chair Kurzweil told Ms. Webster and Ms. McAdams that the Committee would appreciate receiving their specific recommendation on the subject when they had the information they needed to reach one. Ms. Webster and Ms. McAdams anticipated having the necessary information/report by the next regularly scheduled meeting.

During a further general discussion of registration costs and alternative billing methods, Mr. Neuwirth suggested that the Committee consider the possibility of a lifetime registration fee, noting that the amount and specifics would need to be carefully determined.

B. Attorney Discipline in Review

Chair Kurzweil asked that the OAE have available at the next meeting an estimated cost of the people hours involved in the preparation of this compilation.

C. Discussion of First Quarter 2004 AOC Reimbursement Request

Mr. Ocasio reported that the Budget Subcommittee had approved the 1st quarter reimbursement request for 2004, noting that expenditures were only slightly below projections.

IV. REPORT OF THE EVALUATION SUBCOMMITTEE

Bob Boyle reported to the Committee that the final draft of the evaluation report finally was submitted to the Court for its review and consideration. Mr. Kurzweil indicated that he had spoken with Justice LaVecchia and that he had learned that comments on the report were not due until September.

V. DRB REPORT ON COSTS COLLECTIONS AND MONTHLY REPORTS

Ms. DeCore told the Committee that the OBC was current on assessments. She further indicated that the office was focusing some attention on exploring the possibility of collecting outstanding judgments through the Comprehensive Enforcement Program. Ms. DeCore told the Committee that while the costs of pursuing outstanding judgments through that program could be minimized by using existing personnel, she believed that she would have to reclassify one of her employees, as her current job description did not encompass the functions she would be performing to pursue costs through the CEP. However, she believed that reclass would involve only about a 5% salary increase. Ms. DeCore told the Committee that although court appearances would require attorney time, she did not anticipate frequent court appearances. In conclusion, Ms. DeCore told the Committee that she believed it would be worthwhile to pursue costs through the CEP.

The Committee agreed that judgment collection should be attempted through the CEP. A memo seeking Court approval will be prepared.

Ms. DeCore next reviewed her monthly reports. She told the Committee that the workload of the attorneys in the office had increased in the sense that they are now preparing prehearing memos on every matter pending before the Board. In addition, two attorneys in the office are preparing a synopsis of all fee and ethics appeals pending before the Board, when none had been prepared before.

In discussing timing issues, Mr. Kurzweil asked whether Ms. DeCore believed the Court should consider appointment of

additional permanent Board members (or even "alternates"). It was determined that the issue was more suitable for consideration by the Strategic Planning Subcommittee.

VI. OAE REPORT ON PENDING CASELOAD

Janet Miller reported to the Committee that as of May 31, 2004, the volunteer DEC's had achieved a compliance rate of 80% in pending investigations. Low compliance rates in some instances were attributed to the absence of firm leadership. It was noted, however, that new DEC officers would be appointed in the Fall. In that respect, Chair Kurzweil offered to attend the new officers meeting in the northern part of the state, along with Vice-Chair Kathy Flicker, and asked Staff to speak with Stephen Townsend to learn whether Justice LaVecchia would be willing to attend the officers meetings in the southern part of the state to speak with the incoming officers.

Mr. Boyle asked Ms. Miller if the removal of the professional investigators from the pilot districts had affected their compliance rates. Ms. Miller indicated that she would be in a better position to make that determination after the passage of more time.

VII. MEMBERSHIP

Mr. Kurzweil asked the Committee to submit the names of suitable public candidates to replace Harriet Kass to staff. He indicated that someone with an accounting/financial background would be particularly suited to the position, as Ms. Kass held a Co-Chair position on the Budget Subcommittee.

VIII. VACANCY SUBCOMMITTEE

Chair Kurzweil asked Mr. Janasie to provide the ratio of support to professional staff within the OAE by the next regularly scheduled meeting.

There being no further business, the meeting was adjourned.

Next Meetings:

Budget Subcommittee:
McCarter and English
September 1, 2004
10:00 a.m.

Full Committee Meeting:

Chubb & Son
September 15, 2004
9:30 a.m.

Minutes prepared by: Paula T. Granuzzo, Esq.

Revisions: 8/31/04 (LK, DEJ)
 9/02/04 (LN)

