

## Roger Plawker Quoted in New Jersey Law Journal Article regarding NJSBA's recommended changes to the Attorney Ethics and Fee Arbitration Systems

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Roger Plawker

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Roger Plawker, Partner and Chair of the Attorney Ethics & Professional Misconduct practice group at Pashman Stein Walder Hayden, was quoted in a Law.com article, "Bar Association wants gentler approach to attorney discipline." The article discusses the New Jersey State Bar Association's recent report recommending changes to the state's attorney discipline and fee arbitration procedures. The report calls for a change in investigation processes and the statutes of limitation, citing lengthy time periods, as well as the potential to reinstate disbarred attorneys. The report also mentions the abandonment of questioning prospective lawyers regarding mental health issues and treatment they receive.

*Roger Plawker, who represents lawyers before disciplinary authorities, said he was pleased by the recommendation that lawyers be notified that counsel for a respondent is welcome at any stage of an investigation.*

*"In my experience, it's helpful to the Office of Attorney Ethics or district ethics committee, whoever's involved, if an experienced lawyer is involved from the beginning because they can really help drill down on what the issues are going to be," Plawker said.*

*To the report's finding that many attorneys raised concerns about frivolous ethics complaints, Plawker said, "It's not as though the district ethics committees or the OAE are indifferent or unaware of the existence of people abusing the system to gripe about something they feel unhappy about."*

*But a recommendation that grievants be required to post a bond so that they will have “skin in the game” could be problematic, he said.*

*“I think we still trust in a system that enables people to seek the right of redress through the system without an entry fee. Not everybody will have the ability to post this bond,” he said.*

*Plawker supported the association’s call for greater flexibility in stipulating charges. “It shouldn’t be an all or nothing—either you agree to the complaint, as pled, or you’ll go to a hearing,” Plawker said. “Sometimes facts can be developed and the OAE will agree to alter it, but by and large, the process is, once you file a complaint, if you want one of these dispositions prior to a hearing, you pretty much have to agree to everything in the complaint, and I just never quite saw how that serves anyone.”*

To read the full article, [click here](#).