Supreme Court of New Jersey
Disciplinary Review Board
Docket No. DRB 23-021
District Docket Nos. IV-2021-0010E;
IV-2021-0017E; IV-2021-0027E; and
IV-2022-0001E

In the Matter of	:
Christopher Michael Manganello	:
An Attorney at Law	:

Decision

Decided: May 18, 2023

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter was before us on a certification of the record filed by the District IV Ethics Committee (the DEC), pursuant to R. 1:20-4(f). Three formal ethics complaints, which were consolidated for our review, charged respondent with a variety of RPC violations across four client matters.

In the matter docketed as IV-2021-0017E (the Matthews matter), the complaint charged respondent with having violated RPC 1.1(a) (gross neglect); RPC 1.1(b) (pattern of neglect); RPC 1.2(a) (failure to abide by the client's decisions concerning the scope of the representation); RPC 1.3 (lack of diligence); RPC 1.4(b) (failure to communicate with a client); RPC 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation); RPC 8.1(b) (two instances – failure to cooperate with disciplinary authorities);[1] RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and RPC 8.4(d) (conduct prejudicial to the administration of justice).

In the matter docketed as IV-2022-0001E (the Guarente matter), the complaint charged respondent with having violated RPC 1.1(a); RPC 1.1(b); RPC 1.2(a); RPC 1.3; RPC 1.4(b); RPC 1.4(c); RPC 8.1(b) (two instances);[2] RPC 8.4(c); and RPC 8.4(d).

In the matters docketed as IV-2021-0010 and IV-2021-0027 (the Siegel and Calas matters, respectively), the consolidated formal ethics complaint

---

[1] Due to respondent's failure to file an answer in the Matthews matter, and on notice to respondent, the DEC amended the complaint to include an additional RPC 8.1(b) charge and a charge pursuant to RPC 8.4(d).

[2] Due to respondent's failure to file an answer in the Guarente matter, and on notice to respondent, the DEC amended the complaint to include an additional RPC 8.1(b) charge and a charge pursuant to RPC 8.4(d).

charged respondent with having violated RPC 1.1(a) (two instances); RPC 1.1(b); RPC 1.4(b); RPC 1.16(d) (failure to return the client's file upon termination of the representation); RPC 8.1(b) (two instances);[3] and RPC 8.4(c) (two instances).

For the reasons set forth below, we recommend to the Court that respondent be disbarred.

Respondent earned admission to the New Jersey and Pennsylvania bars in 1998. At all relevant times, he maintained a law practice in Pitman, New Jersey.

On May 19, 2017, respondent was censured for his violation of RPC 1.3; RPC 1.4(c); RPC 1.5(b) (failure to set forth in writing the basis or rate of the legal fee); RPC 1.16(d); and RPC 8.4(c). In re Manganello, 229 N.J. 116 (2017) (Manganello I). In that case, respondent represented a client who had doubts whether her son had died decades earlier following his birth. Respondent agreed to obtain a court order to exhume the remains, seek medical records, and arrange for DNA testing. Respondent failed to take any action in furtherance of the representation, yet, misrepresented to his client that he would shortly be able to provide her with the closure she desperately sought. We determined to impose a censure "[b]ased on the vulnerability of the client, the sensitive nature of the

[3] Contrary to common practice, the DEC did not amend the complaint to charge a third violation of RPC 8.1(b) following respondent's failure to answer the complaint.

representation, and the economic harm to the client." In the Matter of Christopher M. Manganello, DRB 16-382 (January 26, 2017) at 7.

On April 8, 2022, in consolidated default matters,[4] respondent was suspended for six months, effective May 9, 2022, for his violations of RPC 1.1(a); RPC 1.3; RPC 1.4(b); RPC 8.1(b); and RPC 8.4(c). In re Manganello, 250 N.J.359 (2022) (Manganello II). In one client matter, respondent accepted a $3,500 retainer to review medical records, to obtain an expert medical report, and to advise his client regarding a potential medical malpractice action. Respondent also sent a letter to a potential defendant beyond the applicable statute of limitations; failed to return the client's telephone calls or reply to requests for information; and misled the client to believe his litigation could proceed, despite respondent having allowed the statute of limitations to run. In the Matters of Christopher Michael Manganello, DRB 20-108 and 20-109 (March 29, 2021) at 13.

In the second client matter, respondent accepted $1,300 to file a bankruptcy petition on his client's behalf, but never performed the work; falsely assured his client that her case was proceeding; and failed to communicate with his client. Id. at 13-14. In both matters, respondent failed to cooperate with

[4] The Board denied respondent's motions to vacate the defaults (MVD) in both matters.

disciplinary authorities. In determining to impose a six-month suspension, we emphasized the fact that respondent utterly had failed to advance either of his client's interests, had failed to learn from his past mistakes, and had defaulted. Id. at 20-21. The Court also required respondent to disgorge his entire fee in both client matters.

Also on April 8, 2022, in connection with two additional matters, the Court suspended respondent for a consecutive one-year term, effective November 9, 2022, for his violations of RPC 1.1(a), RPC 1.3; RPC 1.4(b); RPC 1.5(a) (fee overreaching); RPC 1.5(b); RPC 1.16(d) (failure to protect a client's interests upon termination of representation); RPC 8.1(b); and RPC 8.4(c). In re Manganello, 250 N.J. 363 (2022) (Manganello III). In one matter, respondent accepted a fee to file a motion in his client's custody case, and thereafter failed to file that motion. In the Matters of Christopher Michael Manganello, DRB 20-199[5] and 20-235[6] (April 6, 2021) at 11. In the other client matter, respondent accepted a $6,750 fee from the client to assist her with a mortgage modification and to defend against the sheriff's sale of her home. Respondent falsely represented to his client that he filed a lawsuit to prevent her from losing her

[5] DRB 20-199 came before us as a presentment.

[6] DRB 20-235 came before us as a default. We denied respondent's MVD.

home; ultimately, she was evicted. Respondent stopped communicating with the client and refused to return her file. Id. at 22-23. In determining to impose a one-year suspension, we noted that respondent had failed to learn from his past mistakes, stating that "this pair of cases is part of respondent's broader pattern of client neglect, followed by a disregard of the disciplinary system when it attempts to address his original misconduct." Id. at 31.

On August 1, 2022, we transmitted to the Court our decision in In the Matter of Christopher Michael Manganello, DRB 22-018 (Manganello IV). In that matter, respondent accepted a legal fee to assist his client with the collection of a debt, but then failed to effectuate service of the complaint, resulting in the dismissal of his client's case. Respondent twice moved to reinstate the complaint, however, he failed to cure a fundamental service defect that had resulted in the denial of his first motion and, thus, the second motion was also denied. Had respondent acted with diligence, he would have effectuated service; avoided the dismissal of the complaint; and moved toward obtaining a judgment on his client's behalf. Instead, he did nothing and failed to timely inform his client that the motion to reinstate was denied. He also misrepresented the status of the case to his client. We determined that respondent had violated RPC 1.1(a); RPC 1.3; RPC 1.4(b); and RPC 8.4(c), but concluded that additional discipline, beyond the terms of suspension imposed by the Court in Manganello II and

Manganello III, was not required because the timing of respondent's misconduct occurred during the same time frame as some of his misconduct in Manganello II and Manganello III and was of the same nature. The Court agreed. In re Manganello, __ N.J. __ (2023), 2023 N.J. LEXIS 391.

Effective March 28, 2023, the Court temporarily suspended respondent for his failure to comply with three separate fee arbitration determinations, requiring him to refund $4,000, $7,500, and $3,500, respectively, to his former clients. In the Matter of Christopher Michael Manganello, DRB 22-177, In re Manganello, __ N.J. __ (2023); In the Matter of Christopher Michael Manganello, DRB 22-221, In re Manganello, __ N.J. __ (2023); and In the Matter of Christopher Michael Manganello, DRB 22-223, In re Manganello, __ N.J. __ (2023).

Turning to the instant matter, service of process was proper. On June 21, 2022, the DEC sent a copy of the formal ethics complaint in the Matthews matter, by certified and regular mail, to respondent's home address of record. The certified mail was returned to the DEC marked "unclaimed unable to forward." The regular mail was not returned to the DEC.

On August 26, 2022, the DEC sent a second letter to respondent's home address of record, by regular mail, informing him that, unless he filed a verified answer to the complaint within five days of the letter, the allegations of the

complaint would be deemed admitted, the records would be certified directly to us for the imposition of discipline, and the complaint would be amended to charge a willful violation of RPC 8.1(b) and RPC 8.4(d).[7]

On December 12, 2022, the OAE sent a second copy of the complaint in the Matthews matter, by certified and regular mail, to respondent's home address of record.[8] United States Postal Service (USPS) tracking indicated that notice of the certified mail was left at respondent's home address on December 16, 2022. The regular mail was not returned to the OAE.

On June 22, 2022, the DEC sent a copy of the complaint in the Guarente matter, by certified and regular mail, to respondent's home address of record. The certified mail was returned to the DEC marked "unclaimed unable to forward." The regular mail was not returned to the DEC.

On August 26, 2022, the DEC sent a second letter to respondent's home address of record, by regular mail, informing him that, unless he filed a verified

---

[7] The certification of the record is silent on the status of the five-day letter in the Matthews matter.

[8] According to the OAE's supplemental certification, the OAE was concerned, for unspecified reasons, that the DEC had not effectuated service of the Matthews complaint. Although the OAE's supplemental certification refers to an "amended" and "revised" complaint, the Office of Board Counsel (the OBC) confirmed with the OAE that this reference was in error and that the complaint had not been amended. Rather, the OAE confirmed to the OBC that it served upon respondent a copy of the complaint, dated June 22, 2022, attached as Exhibit D to the DEC's certification of the record.

answer to the Guarente complaint within five days of the letter, the allegations of the complaint would be deemed admitted, the records would be certified directly to us for the imposition of discipline, and the complaint would be amended to charge a willful violation of RPC 8.1(b)and RPC 8.4(d).[9]

On August 26, 2022, the DEC sent a copy of the complaint in the Siegel and Calas consolidated matters, by certified and regular mail, to respondent's home address of record. The certified mail was returned to the DEC marked "unclaimed unable to forward."[10]

As of November 30, 2022, respondent had not filed an answer to any of the foregoing complaints and the time within which he was required to do so had expired. Accordingly, the DEC certified this matter to us as a default.

On February 3, 2023, Acting Chief Counsel to the Board sent a letter to respondent's home address, by certified and regular mail, and also by electronic mail, informing him that the matter was scheduled before us on March 16, 2023, and that any MVD must be filed by February 21, 2023. The certified mail was

---

[9] The certification of the record is silent on the status of the five-day letter in the Guarente matter.

[10] Regarding the Siegel/Calas complaint, the certification of the record is silent on the status of the letter sent via regular mail. Further, it does not appear that the DEC sent respondent a courtesy five-day letter and, thus, the complaint was not amended to charge a third instance of RPC 8.1(b).

returned to the OBC as "unclaimed." The regular mail was not returned, and delivery to respondent's e-mail address was complete, although no delivery notification was sent by the destination server.

Moreover, on February 13, 2023, the OBC published a notice in the New Jersey Law Journal, stating that we would consider this matter on March 16, 2023. The notice informed respondent that, unless he filed a successful MVD by February 21, 2023, his failure to answer would remain deemed an admission of the allegations of the complaint.

Respondent failed to file an MVD.

We now turn to the allegations of the complaints.

The Matthews Matter (District Docket No. IV-2021-0017E)

On October 17, 2018, Tameka Matthews retained respondent to file a wrongful death lawsuit stemming from the death of her husband, Kriston Matthews. Matthews signed a written fee agreement and, pursuant to the terms of the agreement, paid respondent a $7,500 retainer.

In late 2018, prior to his filing of the civil complaint, respondent informed Matthews that the defendants were interested in settlement negotiations. Despite his promises to call her on several occasions, respondent failed to contact her and never followed up regarding a pre-complaint settlement.

On February 25, 2019, respondent filed a civil complaint on Matthews' behalf, captioned Matthews v. Glassboro Board of Education, Docket No. GLO-L-252-19, in the Superior Court of New Jersey, Gloucester County, Law Division. Approximately four months later, on July 6, 2019, the court issued a lack of prosecution notice, stating the complaint would be dismissed on September 3, 2019 unless the plaintiff complied with R. 1:13-7[11] and R. 4:43-2.[12]

Although respondent contacted the defendant's insurance carrier, he failed to respond to the court's notice, failed to inform Matthews that her complaint may be dismissed, and failed to effectuate service on the defendants. Subsequently, on September 7, 2019, Matthews' case was dismissed for lack of prosecution. Respondent failed to notify Matthews that her complaint had been dismissed.

Between February and September 2019, respondent repeatedly told Matthews he would call her to discuss the case but failed to do so.

---

[11] R. 1:13-7(c) delineates the required events that would prevent dismissal for lack of prosecution. Specifically, the Rule provides that a dismissal order will not be entered if: (1) proof of service is filed with the court; (2) an answer is filed; (3) a default judgment is obtained; or (4) a motion is filed by or with respect to a defendant noticed for dismissal.

[12] R. 4:43-2 governs motions for final judgment by default.

One year later, on September 8, 2020, respondent filed a motion to reinstate the complaint. The motion originally was scheduled to be decided by the court on September 25, 2020, however, at respondent's request, the motion was adjourned to October 30, 2020. On October 30, 2020, the court reinstated Matthews' complaint.

However, respondent again failed to effectuate service and, on January 2, 2021, the court issued a lack of prosecution notice, stating the complaint would be dismissed on March 6, 2021 if proof of service was not filed. Respondent again failed to respond to the court's notice, failed to advice Matthews that her case may be dismissed, and failed to take any of the corrective steps required to prevent the dismissal of the complaint. Thus, on March 6, 2021, the court dismissed the complaint for lack of prosecution. Respondent again failed to notify Matthews that her complaint again had been dismissed. During this same time frame, respondent repeatedly promised to call Matthews to discuss her case but failed to do so.

In September 2021, respondent contacted Matthews and promised to immediately file a motion to reinstate her complaint. Despite his promise to do so, respondent never filed a motion to reinstate Matthews' complaint.[13] Based

[13] The public eCourts civil case jacket reflects no case activity following the trial court's dismissal order.

on the foregoing, the DEC charged respondent with having violated RPC 1.1(a); RPC 1.1(b); RPC 1.2(a); RPC 1.3; RPC 1.4(b); RPC 1.4(c); and RPC 8.4(c).

The complaint further charged respondent with failing to cooperate with disciplinary authorities in the investigation of the underlying ethics grievance, in violation of RPC 8.1(b). Specifically, on July 23, 2021, Matthews filed an ethics grievance against respondent. On September 20, 2021, the DEC investigator mailed a copy of the grievance, by certified and regular mail, to respondent's office address of record. The certified mail receipt was signed and returned to the DEC, although the signature was illegible. The letter sent by regular mail was not returned to the DEC. Respondent failed to submit a reply to the grievance.

On November 2, 2021, the DEC investigator sent a second letter, via certified and regular mail, to respondent's office address, informing him that, unless he provided a detailed response to the grievance, the investigation would be completed and the investigator would assume that the allegations asserted by the grievant were true. The certified mail was returned to the DEC as unclaimed. The regular mail was not returned to the DEC. Respondent failed to submit a reply to the grievance.

The Guarente Matter (District Docket No. IV-2022-0001E)

On July 17, 2018, respondent filed a civil complaint on behalf of John Guarente, captioned Guarente v. City of Salem, et al., Docket No. SLM-L-148-18, in the Superior Court of New Jersey, Salem County, Law Division, stemming from injuries Guarente allegedly sustained during an arrest by the City of Salem Police Department.[14]

More than two years later, on September 5, 2020, the court issued a lack of prosecution notice, stating the complaint would be dismissed on November 3, 2020 for lack of prosecution unless the plaintiff complied with R. 1:13-7 or R. 4:43-2.[15] Respondent failed to respond to the court's notice and failed to effectuate service on the defendants and, consequently, on November 7, 2020, Guarente's case was dismissed. Respondent failed to notify respondent that his complaint had been dismissed.[16]

---

[14] The record is silent regarding when respondent's representation of Guarente began, whether the parties executed a written fee agreement, and whether Guarente paid respondent a retainer or legal fee.

[15] Despite the lengthy passage of time between the filing of the complaint and the court's notice of dismissal, the public eCourts civil case jacket reflects no other activity in the case during this period of time.

[16] According to the public eCourts civil case jacket, Guarente hired new counsel who successfully moved to reinstate his complaint. On July 7, 2022, an amended complaint was filed, however, the docket does not reflect any significant activity since that time.

Subsequently, in May 2021, respondent contacted Guarente and advised him that the City of Salem was interested in settling his case for $35,000. Respondent, however, had not actually spoken with the defendant or defense counsel. In furtherance of this purported settlement, respondent provided Guarente with a certification and instructed Guarente to sign and return the certification to him. On May 27, 2021, Guarente returned the signed certification to respondent. Thereafter, Guarente never received a settlement check and never heard from respondent.

Based on the foregoing, the DEC charged respondent with having violated RPC 1.1(a); RPC 1.1(b); RPC 1.2(a); RPC 1.3; RPC 1.4(b); RPC 1.4(c); and RPC 8.4(c).

The complaint further charged respondent with failing to cooperate with disciplinary authorities in the investigation of the grievance, in violation of RPC 8.1(b). Specifically, on November 10, 2021, Guarente filed the instant ethics grievance against respondent. On February 2, 2022, the DEC investigator sent a copy of the grievance, by certified and regular mail, to respondent's office address of record. The certified mail was returned to the DEC as "unclaimed." The regular mail was not returned. Respondent failed to submit a reply to the grievance. On March 15, 2022, the DEC investigator sent a second letter, via certified and regular mail, to respondent's office address, informing him that,

unless he provided a specific and detailed response to the grievance, the investigation would be completed and the investigator would assume that the allegations asserted by the grievant were true. The certified mail was returned to the DEC as unclaimed. The regular mail was not returned. Respondent failed to submit a reply to the grievance.

The Siegel Matter (District Docket No. IV-2021-0010)

On June 25, 2020, Linda Siegel retained respondent to file a complaint for divorce and related issues, including child custody, visitation, and the division of marital property. On July 9, 2020, respondent informed Siegel, via e-mail, that he would file the divorce complaint on her behalf. Two days later, on July 11, 2020, respondent advised Siegel, via text message, that she would receive a copy of the divorce complaint in the coming weeks, and that he would send opposing counsel a discovery request.

On July 17, 2020, respondent informed Siegel that his legal fees would be greater than they had discussed, given that she was seeking sole custody of the child. On July 19, 2020, Siegel sought confirmation from respondent that the complaint had been filed, per his July 11, 2020 text message. In reply, on July 20, 2020, respondent informed Siegel he would send a copy of the divorce

complaint to her for her review and requested that she be prepared to discuss it the following day.

Thereafter, on July 28, 2020, respondent informed Siegel that the complaint had been filed and, once it was docketed, he would forward a copy to her. According to respondent's billing records, on July 27, 2020, he billed $400 for the preparation of the complaint.

On July 30, 2020, however, respondent provided Siegel with a divorce complaint that had been filed by her husband. Siegel's husband also filed an emergent application for unspecified relief, that was heard and granted by the Superior Court on August 5, 2020. The Superior Court subsequently scheduled a hearing for the award of attorneys' fees in connection with Siegel's husband's emergent filing. The attorney representing Siegel's husband submitted a certification of his fees, which respondent failed to oppose. On August 31, 2020, the Superior Court awarded legal fees in favor of Siegel's husband and against Siegel.

Respondent informed Siegel that he would appeal the trial court's award of attorney's fees on either a pro bono or reduced-rate basis, but that Siegel would be responsible for out-of-pocket costs, such as transcripts and any filing fees. In light of the appeal, respondent advised Siegel not to pay the attorney's fees awarded by the court.

On September 3, 2020, respondent recommended in writing to Siegel that "we" appeal the fee award, to which Siegel consented.

Thereafter, on September 21, 2020, in response to her inquiry, respondent advised Siegel that he would file an answer to the divorce complaint the following week. The following week, however, respondent informed Siegel he was awaiting a stipulation from opposing counsel to permit him to file the answer out of time.

On October 6, 2020, Siegel requested a copy of the filed answer. Respondent failed to reply. On October 14, 2020, Siegel again requested a copy of the filed answer and inquired whether a court date had been scheduled. Respondent failed to provide her with a copy of the filed answer but stated "yes it's in the cue for you and we are setting up a brief telephone conference to discuss [the] next steps."

On October 19 and 22, 2020, Siegel again requested a copy of the filed answer. Respondent failed to provide her with a copy of the answer to the divorce complaint, despite his promise to get it to her prior their scheduled telephone conference on October 23, 2020.

On October 23, 2020, Siegel missed respondent's telephone call. However, respondent stated he would call her later that evening or over the weekend.

On October 26, 2020, Siegel again asked respondent for a copy of her answer.

On October 30, 2020, respondent sent an e-mail to Siegel requesting a telephone conference for November 2, 2020. Respondent did not provide her with a copy of the filed answer, despite her repeated requests and frustration.

On November 2 and 24, 2020, Siegel asked respondent for a copy of her answer to the divorce complaint and respondent failed to reply.

On January 5, 2021, in response to Siegel's inquiry of whether a court date had been set, respondent stated that "[he] was following up this week." Thereafter, on January 14, 2021, Siegel sent a text message to respondent, again asking whether the court had scheduled her divorce proceeding. She also inquired about the attorneys' fees that were still owed to her husband, pursuant to the court's previous order. Respondent failed to reply.

Accordingly, Siegel contacted the Superior Court inquiring about her case and, on January 26, 2021, was informed that respondent had never filed an answer. On January 27, 2021, Siegel terminated the representation and asked respondent to return her client file. Based on these facts, the complaint charged respondent with having violated RPC 1.1(a); RPC 1.16(d); and RPC 8.4(c).

The complaint further charged respondent with failing to cooperate with disciplinary authorities in the investigation of the underlying ethics grievance,

in violation of RPC 8.1(b). Specifically, on May 17, 2021, the DEC investigator sent respondent a letter, by certified and regular mail, enclosing a copy of the grievance and requesting his written reply to the allegations made against him. Thereafter, on May 31, 2021, following two additional unanswered telephone calls to respondent, respondent advised the investigator that he would submit his response by July 10, 2021.

On July 19, 2021, respondent contacted the investigator and requested an extension to July 23. Then, on July 23, 2021, he requested another extension to July 26. On July 26, 2021, respondent informed the DEC he intended to hand deliver his response to the investigator's office; the investigator, however, informed respondent to send his response via mail, because the investigator would not be in the office at the time respondent intended to deliver it.

One week later, on August 4, 2021, having received no reply from respondent, the investigator sent a letter to respondent, by certified and regular mail, informing respondent that he had not received his reply to the grievance.[17] Respondent failed to submit a reply.

[17] The record is silent with respect to the status of this letter.

The Calas Matter (District Docket No. IV 2021-0027E)

In November 2019, respondent discussed with Waltkens Calas, the grievant, a dispute Calas had with a home improvement contractor, and agreed upon a scope of representation. Three months later, on February 27, 2020, respondent entered into a written fee agreement with Calas in which respondent agreed to file a breach of contract complaint against the contractor.[18]

Although respondent communicated verbally with Calas, he failed to provide any written documentation to support his verbal updates, despite Calas' request that he do so. Respondent also failed to provide Calas with proof that his complaint had been filed, despite Calas' repeated requests that he do so.

Respondent also failed to keep scheduled appointments with Calas, failed to answer or return Calas' telephone calls, and, when he did call Calas, it was from a "blocked" telephone number. Respondent never filed the breach of contract complaint on Calas' behalf, despite advising Calas that he had done so. Based on these facts, the complaint charged respondent with having violated RPC 1.1(a); RPC 1.4(b); and RPC 8.4(c).

The complaint further charged respondent with failing to cooperate with disciplinary authorities in the investigation of the grievance, in violation of RPC

[18] The written fee agreement was not provided as part of the record.

8.1(b). Specifically, on January 7, 2022, the DEC investigator sent respondent a letter, by certified and regular mail, enclosing a copy of the grievance and requesting his written reply to the allegations made against him. The mail was returned to the DEC investigator as unclaimed. Thereafter, on January 27 and January 31, 2022, the investigator left voicemail messages for respondent, advising that a reply to the grievance was required. Respondent failed to submit a reply.

Following our review of the record, we determine that the facts recited in the formal ethics complaints support most of the charged RPC violations by clear and convincing evidence. Respondent's failure to file an answer to the complaints is deemed an admission that the allegations are true and that they provide a sufficient basis for the imposition of discipline. R. 1:20-4(f)(1).

Notwithstanding that Rule – that the complaint has been deemed admitted – we must determine whether each charge in the complaint is supported by sufficient facts to determine that unethical conduct has occurred. In re Pena, 164 N.J. 222 (2000) (describing the Court's "obligation in an attorney disciplinary proceeding is to conduct an independent review of the record, R. 1:20-16(c), and determine whether the ethical violations found by us have been established by clear and convincing evidence"); see also R. 1:20-4(b) (entitled "Contents of Complaint" and requiring, among other notice pleading requirements, that a

complaint "shall set forth sufficient facts to constitute fair notice of the nature of the alleged unethical conduct"). We will, therefore, decline to find a violation of a Rule of Professional Conduct where the admitted facts within the certified record do not constitute clear and convincing evidence that the Rule was violated. See, e.g., In the Matter of Philip J. Morin, III, DRB 21-020 (September 9, 2021) at 26-27 (declining to find a charged RPC 3.3(a)(4) violation based upon insufficient evidence in the record), so ordered, 250 N.J. 184 (2022); In the Matter of Christopher West Hyde, DRB 16-385 (June 1, 2017) at 7 (declining to find a charged RPC 1.5(b) violation due to the absence of factual support in the record), so ordered, 231 N.J. 195 (2017); In the Matter of Brian R. Decker, DRB 16-331 (May 12, 2017) at 5 (declining to find a charged RPC 8.4(d) violation due to the absence of factual support in the record), so ordered, 231 N.J. 132 (2017).

Here, we conclude that the facts recited in the DEC's complaints support the allegations that respondent violated RPC 1.1(a) (Matthews, Guarente, Siegel, and Calas matters); RPC 1.3 (Matthews and Guarente matters); RPC 1.4(b) (Matthews, Guarente, and Calas matters); RPC 1.4(c) (Matthews and Guarente matters); RPC 1.16(d) (Siegel matter); RPC 8.1(b) (Matthews – two instances, Guarente – two instances, Siegel, and Calas matters); and RPC 8.4(c) (Matthews, Guarente, Siegel, and Calas matters). We determine, however, that

the evidence does not clearly and convincingly support violations of RPC 1.1(b), RPC 1.2(a), or RPC 8.4(d).

In the Matthews matter, the record supports the allegations that respondent committed gross neglect and lacked diligence, in violation of RPC 1.1(a) and RPC 1.3, respectively, by accepting a fee to file a wrongful death lawsuit on Matthews' behalf and then failing to perform any meaningful work, including his failure to effectuate service upon the defendants, resulting in the dismissal of his client's case. Thereafter, for more than a year, respondent failed to take any formal action to reinstate the complaint. Although respondent eventually succeeded in reinstating the complaint, he again failed to serve the defendants, resulting in the dismissal of the complaint a second time. Respondent failed to inform Matthews that her complaint had twice been dismissed. Further, despite his promise to seek reinstatement of her complaint (for a second time), respondent failed to do so.

Had respondent acted with diligence, he could have effectuated service upon the defendants, avoided the dismissal of Matthews' complaint, and moved forward in his prosecution of the wrongful death lawsuit. Instead, respondent did nothing, let the complaint be dismissed twice, and then failed to timely inform his client that her case had been dismissed. Respondent's gross neglect deprived Matthews of her day in court.

Respondent also failed to communicate with Matthews, despite her repeated requests and his repeated promises to call her to discuss the case. Respondent, thus, violated RPC 1.4(b), which requires a lawyer to "keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information." Further, respondent failed to inform Matthews that her case had been dismissed and, subsequently, led her to believe that he would seek reinstatement of her case. RPC 1.4(c) states that "[a] lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." Here, respondent's omissions precluded Matthews from making informed decisions about the representation, in violation of RPC 1.4(c).

RPC 8.1(b) requires an attorney to "respond to a lawful demand for information from . . . [a] disciplinary authority." Respondent violated this Rule in two respects. First, respondent failed to comply with the DEC's requests that he submit a reply to the Matthews grievance. Next, respondent failed to file an answer to the Matthews complaint and allowed it to proceed as a default. R. 1:20-4(f).

Respondent also misrepresented the status of the case to Matthews. First, he failed to notify her that the court had twice dismissed her complaint for lack of prosecution, leading her to believe that her case was still active. Next,

respondent misrepresented to Matthews that he would file a second motion to reinstate her complaint and then failed to do so without informing her. Respondent's repeated misrepresentations were violative of RPC 8.4(c).

By contrast, we determine that there is insufficient evidence that respondent violated RPC 1.1(b) in the Matthews matter. In order to find a pattern of neglect, in violation of RPC 1.1(b), at least three instances of neglect, in three distinct client matters, are required. In the Matter of Donald M. Rohan, DRB 05-062 (June 8, 2005) at 12-16. Here, respondent's misconduct involved only one client matter.[19]

Similarly, there is insufficient evidence to prove, by clear and convincing evidence, that respondent violated RPC 1.2(a), which provides:

> (a) A lawyer shall abide by a client's decisions concerning the scope and objectives of representation, subject to paragraphs (c) and (d), and as required by RPC 1.4 shall consult with the client about the means to pursue them. A lawyer may take such action on behalf of a client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall consult with the client and, following the consultation, shall abide by the client's decision on the plea to be entered, jury trial, and whether the client will testify.

---

[19] Although respondent separately was charged with having violated RPC 1.1(b) in three complaints (the Matthews, Guarente, and Siegel matters), that charge pertained solely to his misconduct in each respective matter. He was not charged and, thus, not placed on notice, with having engaged in a pattern of neglect across the three client matters.

There is no evidence in the record that respondent specifically failed to abide by Matthews' decisions concerning the scope and objectives of the representation. Failure to perform legal services, without more, does not rise to the level of a violation of RPC 1.2(a). Further, the charge that respondent violated RPC 1.2(a) by failing to return his client's telephone calls, e-mails, or text messages; failing to notify the client of the status of the matter; and failing to perform any perceivable work, is fully addressed by the other charges. Likewise, the charge that respondent violated RPC 8.4(d) by allowing this matter to proceed by default is specifically addressed by the charge pursuant to RPC 8.1(b). This charge was added contemporaneously with the RPC 8.1(b) charge, with both charges stemming from respondent's failure to answer the formal ethics complaint. Although failure to file an answer to a complaint does constitute a violation of RPC 8.1(b), it has not been found to be per se grounds for an RPC 8.4(d) violation. See In re Ashley, 122 N.J. 52, 55 n.2 (1991) (after respondent failed to answer the formal ethics complaint and cooperate with the investigator, the DEC charged her with violating RPC 8.4(d); upon review, the Court noted that "[a]lthough the committee cited RPC 8.4(d) for failure to file an answer to the complaint, RPC 8.4(d) deals with prejudice to the administration of justice. RPC 8.1(b) is the correct rule for failure to cooperate with disciplinary authorities.").

Next, in the Guarente matter, respondent failed, for over two years, to effectuate service upon the defendants, resulting in the dismissal of his client's civil case. Then, respondent failed to inform Guarente that his case had been dismissed and failed to take any steps to reinstate the complaint and effect service upon the defendants. Respondent's gross neglect could have deprived his client of his day in court. He, thus, violated RPC 1.1(a) and RPC 1.3.

Respondent also failed to communicate with Guarente, failed to inform him that his case had been dismissed, and subsequently lead him to believe that the matter had settled, in violation of RPC 1.4(b) and (c). Respondent violated RPC 8.1(b) by failing to comply with the DEC's requests that he submit a reply to the grievance and, subsequently, by failing to file an answer to the complaint. Further, by falsely claiming to Guarente that he was in settlement negotiations, despite having not spoken to the defendant or defense counsel, respondent violated RPC 8.4(c). Respondent separately violated this Rule by failing to inform Guarente that his case had been dismissed for lack of prosecution.

We determine that the record does not support the allegations that respondent violated RPC 1.1(b) RPC 1.2(a), and RPC 8.4(d) in the Guarente matter, for the same reasons articulated above with respect to the Matthews matter.

In the Siegel matter, respondent was retained to file a divorce complaint on his client's behalf. Despite falsely assuring his client the complaint had been filed, respondent failed to file the complaint. As a result, his client's husband filed a complaint for divorce, requiring respondent to file an answer on his client's behalf. Moreover, his client's husband had filed an emergent application for relief, which the court granted and scheduled a hearing to determine whether attorney's fees should be awarded against Siegel. Respondent failed to respond to the fee application, which the court granted, awarding fees in Siegel's husband's favor.

Although respondent assured Siegel he would appeal the court's award of attorney's fees, he failed to do so. Further, despite his repeated assurances for nearly five months that he had filed an answer on Siegel's behalf, respondent failed to do so. By accepting the representation and failing to take any meaningful steps in furtherance of that representation, respondent acted with gross neglect, in violation of RPC 1.1(a).

RPC 1.16(d) provides that, upon termination of representation, "a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as … surrendering papers and property to which the client is entitled…." Here, respondent violated this Rule by failing to return to Siegel her client files, despite her request that he do so.

Respondent violated RPC 8.1(b) by failing to comply with the DEC's requests that he submit a reply to the grievance and failing to respond to the investigator's attempts to reach him. Further, respondent violated RPC 8.4(c) in three respects. First, he falsely assured Siegel he would file a divorce complaint on her behalf, which he failed to do. Subsequently, respondent told Siegel he had filed an answer to the divorce complaint on her behalf, despite having not done so. Last, respondent violated this Rule by falsely assuring Siegel that he would appeal the court's award of attorneys' fees, which he did not do.

We determine, however, that respondent did not violate RPC 1.1(b) in the Siegel matter, as the complaint pertains to only one client matter and not three, as the Rule requires.

Finally, in the Calas matter, respondent acted with gross neglect, in violation of RPC 1.1(a), by agreeing to represent his client in a dispute with his home improvement contractor and then failing to file a civil complaint, despite his promise to do so. Then, in violation of RPC 8.4(c), respondent misrepresented to Calas, in response to his inquiry, that he had, indeed, filed the civil complaint when he knew this statement to be false. Respondent also failed to keep his client reasonably informed as to the status of the matter and failed to comply with reasonable requests for information, in violation of RPC 1.4(b). Respondent violated RPC 8.1(b) by failing to respond to the DEC investigator's

request that he submit a written reply to the grievance, and by failing to return the investigator's telephone calls.

In sum, we find that respondent violated RPC 1.1(a) (four instances); RPC 1.3 (two instances); RPC 1.4(b) (three instances); RPC 1.4(c) (two instances); RPC 1.16(d); RPC 8.1(b) (six instances); and RPC 8.4(c) (four instances). We determine to dismiss the charges pursuant to RPC 1.1(b), RPC 1.2(a), and RPC 8.4(d). The sole issue remaining for our determination is the appropriate quantum of discipline for respondent's misconduct.

In the past six years, respondent has demonstrated a consistent and alarming pattern of accepting legal fees; grossly neglecting the corresponding client matters; misrepresenting the status of cases to his clients; and then failing to respond to the disciplinary authorities that seek to address his conduct. Respondent's behavior exhibits disdain toward both his clients and New Jersey's disciplinary system. In view of the harm he has caused to his clients, we can neither ignore nor accept what is clearly respondent's dangerous, improper practice of law. Nor can we ignore respondent's refusal to follow the most basic regulations imposed on New Jersey attorneys. Respondent's decision to wholly absent himself from another four ethics proceedings resulted in his failure to provide us with any information for consideration, except for his unrefuted misconduct, which is strikingly similar to his past transgressions.

There is no mitigation to consider.

In aggravation, we accord significant weight to multiple, profound aggravating factors. First, we consider respondent's substantial disciplinary history and its similarity to the instant default matters. Specifically, this is respondent's seventh disciplinary matter (comprising ten client matters) before us, albeit our fifth decision as the result of the consolidations in Manganello II and Manganello III.

Consistently, the Court has signaled an inclination toward progressive discipline and stern treatment of repeat offenders. In such scenarios, enhanced discipline is appropriate. See In re Kantor, 180 N.J. 226 (2004) (disbarment for abandonment of clients and repeated failure to cooperate with the disciplinary system). To that end, a review of respondent's disciplinary timeline is appropriate considering the overlap in the timing and the nature of the misconduct.

The 2017 censure, in Manganello I, addressed respondent's violations of RPC 1.3, RPC 1.4(b), and RPC 8.4(c) and stemmed from conduct similar to the instant matter. There, respondent undertook representation of a client to exhume the remains of her deceased child, and then failed to take any steps in furtherance of that representation, despite his representations to the client that the case was nearly complete. Respondent and the OAE consented to the imposition of a

censure for his neglectful handling of a matter involving a vulnerable client; although we considered, in mitigation, respondent's unblemished career and his cooperation with the disciplinary proceedings, we determined that the aggravating factors warranted the enhanced discipline of a censure and the Court agreed.

Five years later, on April 8, 2022, in Manganello II, respondent was suspended for six months, in two default matters, for his gross neglect, lack of diligence, and failure to communicate with his clients, among other violations. Like here, in both client matters comprising Manganello II, respondent accepted fees from his clients and then grossly neglected both client matters, while falsely assuring the clients that their cases were proceeding.

Also on April 8, 2022, in Manganello III, respondent was suspended for one-year, consecutive to the six-month suspension imposed in Manganello II, for his gross neglect of two client matters, in violation of RPC 1.1(a); RPC 1.3; RPC 1.4(b); RPC 1.5(a); RPC 1.5(b); RPC 1.16(d); RPC 8.1(b); and RPC 8.4(c). Like here, in both client matters, he accepted the representation and then failed to advance his clients' interests. Further, he misrepresented the status of the case to one client, causing substantial prejudice. In determining to impose a consecutive one-year term of suspension in Manganello III, we weighed respondent's failure to learn from his 2017 censure, as well as his heightened

awareness stemming from his prior defaults under Manganello II. In the Matters of Christopher Michael Manganello, DRB 20-199 and 20-235, at 31.

The discipline imposed in Manganello I occurred prior to the misconduct underlying the instant matter and, thus, gave respondent a heightened awareness of his obligations to diligently handle client matters and to comport himself honestly with his clients. Additionally, the timing of respondent's misconduct in Manganello II and Manganello III demonstrates that he was acutely aware of his obligations under the Rules of Professional Conduct at the time he committed the misconduct underlying the instant matter.

Specifically, the misconduct in one client matter comprising Manganello IIII (DRB 20-199) occurred in September 2016 through August 2017, and the formal ethics complaint was filed in December 2018. This timeframe predates the period of misconduct in the instant matters and, thus, should have cemented respondent's awareness of his obligations as an attorney pursuant to the Rules of Professional Conduct. The remainder of the misconduct comprising Manganello II and III spanned from approximately April 2018 to August 2019, overlapping with some of the instant misconduct. Further, respondent's 2022 defaults in the instant three client matters occurred after the certifications of the record in both Manganello II (March 10, 2020) and Manganello III (August 2020). Having already experienced certifications of the record in three prior

defaults, respondent had a heightened awareness of his need to answer the ethics complaints.

On August 1, 2022, in Manganello IV, we determined to impose no additional discipline, on facts mirroring respondent's instant misconduct that occurred between October 2018 and January 2019. We reasoned that the misconduct had occurred during the same time frame as some of respondent's misconduct in Manganello II and Manganello III, and if Manganello IV had been consolidated with the two matters, the discipline (an eighteen-month global suspension) would not have changed.

Here, in contrast to Manganello IV, respondent's misconduct occurred in the instant matter across four separate client matters and spanned from July 2018, at the earliest, to May 2021, extending far beyond the misconduct addressed in Manganello II and III.

Undoubtedly, unlike Manganello IV, additional discipline is required for respondent's persistent mistreatment of his clients. Indeed, his alarming pattern of accepting legal fees, grossly neglecting his client matters, and then failing to respond to disciplinary authorities, has made clear that he has not learned from his past contacts with the disciplinary system, nor has he used those prior experiences as a foundation for reform. See In re Zeitler, 182 N.J. 389, 398 (2005) ("[d]espite having received numerous opportunities to reform himself,

respondent has continued to display his disregard, indeed contempt, for our disciplinary rules and our ethics system").

Including the instant four matters, since 2017, respondent has committed the following RPC violations:

RPC Violation	Number of Violations
1.1(a)	9
1.3	8
1.4(b)	7
1.4(c)	3
1.5(a)	1
1.5(b)	2
1.16(d)	3
8.1(b)	10
8.4(c)	9

Further, his ethics history reveals a recent pattern of temporary suspensions for his noncompliance with fee arbitration awards.

Respondent's ongoing behavior exhibits a complete disregard for his clients and utter disdain for New Jersey's disciplinary system. Such behavior by an attorney cannot be tolerated. Through this seventh disciplinary matter (comprising ten client matters), respondent has established a penchant for dishonesty and proclivity for breaching his duties to his clients. Respondent's egregious mistreatment of his clients, coupled with his disciplinary history, places him over the threshold of disbarment.

Disciplinary precedent supports respondent's disbarment. In In re Spagnoli, 115 N.J. 504 (1989), the attorney accepted retainers from fourteen clients over a three-year period without any intention of performing services for them. He lied to the clients, assuring them that their cases were proceeding. After neglecting their cases to the point that judgments had been entered against his clients, the attorney ignored their efforts to contact him by telephone. To explain his prior failure to appear in court, he lied to a judge. Afterward, the attorney failed to cooperate in the disciplinary process.

The Court adopted our findings and recommendation that Spagnoli be disbarred:

> Respondent's repetitive, unscrupulous acts reveal not only a callous disregard for his responsibilities toward his clients and disdain for the entire legal system [. . .] [It also] shows that respondent's conduct is incapable of mitigation. A lesser sanction than disbarment will not adequately protect the public from this attorney, who has amply demonstrated that his "professional good character and fitness have been permanently and irretrievably lost."
>
> [Id. at 517-18 (quoting Matter of Templeton, 99 N.J. 365, 376 (1985)).]

In In re Moore, 143 N.J. 415 (1996), the attorney accepted retainers in two matters and then failed to take any action on behalf of his clients. Although he agreed to refund one of the retainers and was ordered to do so after a fee arbitration proceeding, he retained the funds and then disappeared. The attorney

did not cooperate with the disciplinary investigation. In recommending disbarment, we remarked as follows:

> It is unquestionable that this respondent holds no appreciation for his responsibilities as an attorney. He has repeatedly sported a callous indifference to his clients' welfare, the judicial system and the disciplinary process . . . . [We] can draw no other conclusion but that this respondent is not capable of conforming his conduct to the high standards expected of the legal profession.
>
> [In the Matter of John A. Moore, DRB 95-163 (December 4, 1995).]

Similarly, in In re Cohen, 120 N.J. 304 (1990), the attorney, after accepting representation in a matter, failed to file the complaint until after the statute of limitations had expired. He compounded his misconduct by altering the filing date on the complaint to mislead the court and opposing counsel that he had timely filed the complaint. The attorney misrepresented the status of the matter to the client, giving assurances that the case was proceeding. The Court disbarred the attorney, observing that "[w]e are unable to conclude that respondent will improve his conduct." Id. at 308. See also In re Vincenti, 152 N.J. 253 (1998) (attorney disbarred for his repeated abuses of the judicial process resulting in harm to his clients, adversaries, court personnel and the entire judicial system).

Like the attorney in Spagnoli, respondent has demonstrated a pattern of accepting legal fees from clients and failing to provide the promised services, four times in this consolidated matter alone. At this point in respondent's experience with the disciplinary system he clearly knows that his behavior is unethical. Yet, he has made no effort to curb his misconduct.

In further aggravation, by defaulting in these three matters (respondent now has six defaults in total), respondent has, once again, refused to acknowledge or account for his wrongdoing, let alone express remorse for his gross exploitation of his clients' trust in him. As he repeatedly has done before, respondent intentionally chose to ignore his obligation to cooperate with the ethics investigations and chose not to provide us with an explanation for his misconduct. "[A] respondent's default or failure to cooperate with the investigative authorities acts as an aggravating factor, which is sufficient to permit a penalty that would otherwise be appropriate to be further enhanced." In re Kivler, 193 N.J. 332, 342 (2008) (citations omitted).

An attorney's cooperation with the disciplinary system (and resulting discipline for failing to do so) serves as the cornerstone of the public's confidence that it will be protected from unethical attorneys. These four client matters alone comprise six additional instances of failing to cooperate with disciplinary authorities. He failed to participate in the DEC's underlying

investigation, and subsequently failed to answer the formal ethics complaints. Thus, it is unmistakable that respondent believes his conduct need not conform to RPC 8.1(b). See In re Brown, 248 N.J. 476 (2021) (in aggravation, we described the attorney's obstinate refusal to participate, in any way, in the disciplinary process across five client matters as "the clearest of indications that she has no desire to practice law in New Jersey;" we recommended the attorney's disbarment based, in part, on her utter lack of regard for the disciplinary system with which she was duty-bound to cooperate but rebuffed at every turn).

In determining that disbarment is appropriate for the totality of respondent's misconduct, we echo our decision in In the Matter of Marc D'Arienzo, DRB 16-345 (May 25, 2017) at 26-27, where we stated:

> Given the contemptible set of facts present in these combined matters, we must consider the ultimate question of whether the protection of the public requires respondent's disbarment. When the totality of respondent's behavior in all matters, past and present, is examined, we find ample proof that . . . no amount of redemption, counseling, or education will overcome his penchant for disregarding ethics rules. As the Court held in another matter, "[n]othing in the record inspires confidence that if respondent were to return to practice [from his current suspension] that his conduct would improve. Given his lengthy disciplinary history and the absence of any hope for improvement, we expect that his assault on the Rules of Professional Conduct would continue." In re Vincenti, 152 N.J. 253, 254 (1998). Similarly, we determine that, based on his extensive

> record of misconduct and demonstrable refusal to learn from his mistakes, there is no evidence that respondent can return to practice and improve his conduct. Accordingly, we recommend respondent's disbarment.

The Court agreed with our recommendation and disbarred D'Arienzo. In re D'Arienzo, 232 N.J. 275 (2018). See also In re Lowden, 248 N.J. 508 (2021) (disbarment for attorney who failed to comply with R. 1:20-20 following two temporary suspensions and a six-month term of suspension; the attorney had a significant disciplinary history, including a reprimand, a censure, two temporary suspensions for failing to comply with fee arbitration committee determinations, a six-month suspension in a default matter, and a two-year suspension in two consolidated default matters; in finding that the attorney reached the "tipping point" of disbarment, we observed that the attorney's egregious ethics history demonstrated a repeated and deep disdain for not only the disciplinary system, but also for her clients).

Like the disbarred attorneys in Lowden and D'Arienzo, the imposition of prior discipline has not convinced respondent to reform his conduct. Despite his extensive disciplinary history, respondent failed to alter his conduct and has now reached the "tipping point" for disbarment. Thus, to protect the public from respondent's harmful practices, we recommend to the Court that respondent be disbarred.

Members Campelo and Hoberman were absent.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.),
Chair

By: **/s/ Timothy M. Ellis**
Timothy M. Ellis
Acting Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Christopher Michael Manganello
Docket No. DRB 23-021

Decided: May 18, 2023

Disposition: Disbar

Members	Disbar	Absent
Gallipoli	X	
Boyer	X	
Campelo		X
Hoberman		X
Joseph	X	
Menaker	X	
Petrou	X	
Rivera	X	
Rodriguez	X	
Total:	7	2

/s/ Timothy M. Ellis
Timothy M. Ellis
Acting Chief Counsel