SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. 18-017
District Docket Nos. IIIB-2015-0040E and
IIIB-2016-0037E

In The Matter Of	
Saul Gary Gruber	
An Attorney At Law	

Decision

Decided: November 9, 2018

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 IIIB Ethics Committee (DEC), pursuant to R. 1:20-4(f).[1] The formal ethics complaint charged respondent with the following violations in two client matters: RPC 1.1(a) (gross neglect), RPC 1.1(b) (pattern of neglect), RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to communicate with the client), RPC 3.2 (failure to expedite litigation), RPC 4.1(a)(1) (false statement of material

[1] Office of Board Counsel originally docketed this matter on January 12, 2018, but subsequently held it in abeyance while respondent pursued an unrelated petition before the Court.

fact to a third person), RPC 8.1 (presumably (a) and (b)) (knowingly making a false statement of fact to, and knowingly failing to reply to a lawful demand for information from, a disciplinary authority), RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and RPC 8.4(d) (conduct prejudicial to the administration of justice).

On August 22, 2018, Office of Board Counsel received a motion to vacate the default from respondent's counsel. In respondent's supporting certification, he admitted all the charges against him, but sought to have us consider certain mitigating factors, in determining the appropriate measure of discipline to impose for those infractions.

For the reasons set forth below, we denied the motion to vacate the default and determined to impose a censure on respondent for his misconduct.

Respondent was admitted to the New Jersey and Pennsylvania bars in 1988. At the relevant times, he was an attorney with the Mount Laurel office of Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins. He has no history of discipline in New Jersey.

Service of process was proper. On October 13, 2017, the DEC sent a copy of the formal ethics complaint to respondent's office address, by regular and certified mail, return receipt requested. The certified letter was signed by Melanie Nardi. The letter sent by regular mail was not returned.

On November 16, 2017, the DEC sent another letter to respondent, at the same address, by regular and certified mail, return receipt requested. The letter informed respondent that, if he failed to file an answer within five days, the allegations of the complaint would be deemed admitted, the record would be certified directly to us for the imposition of a sanction, and the complaint would be deemed amended to include a charge of a violation of RPC 8.1(b). The signature of the person who accepted delivery of the certified certified letter is illegible. The letter sent by regular mail was not returned.

As of December 1, 2017, respondent had not filed an answer to the complaint. Accordingly, the DEC certified this matter to us as a default.

The ethics charges against respondent arise out of his representation of two clients in different matters.

The Clunn Matter (District Docket No. IIIB-2015-0040E)

In 2007, grievant William Clunn retained respondent to represent him and his mother (later, her estate) in a nursing home negligence action. On March 20, 2009, respondent filed a civil action in the Superior Court of New Jersey, Law Division, Cumberland County (the Clunn matter).

On April 18, 2011, the court granted summary judgment to all defendants. Respondent had failed to oppose the motion.

"After 2011," Clunn called respondent on numerous occasions to inquire about the status of the case. According to the complaint, although Clunn had made multiple calls and had left messages, neither respondent nor any member of his staff ever communicated with him.

In 2014, Clunn filed a grievance against respondent.[2] Upon receipt of the grievance, respondent contacted Clunn and stated that his failure to reply to Clunn's inquiries was due to "miscommunication" resulting from respondent's change in offices. Respondent "invited" Clunn to contact him at his new office to discuss the case.

At an April 14, 2014 meeting, respondent told Clunn that his matter was still ongoing, despite its dismissal by summary judgment three years earlier. Respondent also told Clunn that he had made a $50,000 settlement demand and that the case would settle "within the next few weeks."

For more than a year, Clunn heard nothing from respondent. Prior to May 15, 2015, Clunn had called respondent "about a dozen times" but received

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[2] The complaint alleged that the DEC placed the grievance on hold pending the outcome of the underlying litigation. The Office of Attorney Ethics' database contains no record of the 2014 grievance. R. 1:20-3(f) grants a district ethics committee secretary the discretion to decline certain grievances that are based on allegations similar to those in pending litigation. When the DEC secretary exercises that discretion, the grievance is not docketed. Ibid. Thus, rather than stay the matter, the DEC secretary, presumably, never docketed Clunn's 2014 grievance.

no communication from him or his staff. During Clunn's last phone call, a member of respondent's staff told him that she did not know why respondent was not "picking up" Clunn's calls. Clunn informed the staff member that respondent had seven days to contact him. Respondent did not contact Clunn.

On July 14, 2015, Clunn filed another grievance against respondent. On November 23, 2015, DEC investigator Michael Wietrzychowski, Esq. interviewed respondent. Respondent described the Clunn matter as a simple nursing home neglect case that he thought he had "resolved." Due to a change in ownership of the nursing home, however, "one home" was uninsured and, thus, "coverage became less certain."

Respondent explained that he had failed to return Clunn's calls because he "did not know what to do regarding the case." He told Wietrzychowski that the Clunn matter had been dismissed mistakenly but "indicated" that the case remained active. Respondent also stated that he had failed to settle the case previously because, when he met with Clunn, on April 14, 2014, to discuss settlement, Clunn refused to accept the defendants' request for installment payments. Nevertheless, respondent "indicated" that he intended to continue his efforts to settle the case.

Wietrzychowski requested that respondent produce copies of his fee agreement with Clunn and "other documents." Respondent never complied with the request.

On January 13, 2016, Wietrzychowski interviewed respondent again. Respondent confessed to having made a number of misrepresentations during the prior interview, which he attributed to "panicking." Specifically, respondent admitted that

- the Clunn matter had been dismissed on summary judgment, and, thus, was "not active;"
- he never informed Clunn of the dismissal;
- his claim to Clunn that the defendants had offered to settle the case was a ruse, designed to cover what would have been respondent's payment to Clunn of what he believed to be the "fair value" of the case;
- he falsely represented to Clunn, in 2014, that he was seeking a settlement of the case; and
- he falsely represented to Wietrzychowski that he intended to continue trying to settle the case.

[C¶17a-C¶17e.][3]

[3] "C" refers to the formal ethics complaint, dated October 7, 2017.

The complaint charged respondent with having violated RPC 1.1(a), RPC 1.3, and RPC 3.2, based on his failure to oppose the summary judgment motion; RPC 1.1(a) and (b), RPC 1.3, and RPC 1.4(b), based on his failure to return Clunn's numerous calls; RPC 1.1(a), RPC 4.1(a)(1), and RPC 8.4(c), based on unidentified false statements made to Clunn; RPC 1.1(b) and RPC 8.1 (presumably (b)), based on his failure to submit a written reply to the grievance and comply with the DEC's request for the production of documents; and RPC 1.1(b) and RPC 8.4(c) and (d), based on his "conduct above [which] constitutes failure to communicate."

The Russell Matter (District Docket No. IIIB-2016-0037E)

In January 2013, grievant Marva Russell, an employee of Mayfield, Turner, O'Mara & Donnelly (Mayfield firm), a Cherry Hill law firm, asked respondent to represent her mother in a nursing home abuse case. Respondent told Russell that he would contact her after he had reviewed her mother's medical records.

Presumably, respondent agreed to take the case because, on January 14, 2013, Russell, whose mother had granted her power of attorney, signed a contingent fee agreement, in addition to a "master medical authorization" and HIPAA and Medicare/Medicaid authorizations. A few months later, Russell

contacted respondent, seeking an update on her mother's case. Respondent stated that "someone" was reviewing her mother's medical records.

In January 2014, Russell informed respondent that her mother had died that month. At the time, Russell had heard nothing from respondent since the 2013 conversation. When Russell informed respondent of her mother's death, he said that he would "be in touch" with her. She never heard from him.

Presumably, Russell discussed her mother's case with Mayfield firm partner David Mayfield, who spoke to respondent at a November 2015 conference in Atlantic City. Respondent told Mayfield that he had filed a complaint against the nursing home on behalf of Russell's mother. Mayfield relayed that information to Russell. Shortly thereafter, Russell called respondent to obtain information about the status of the litigation, but she did not reach him, and he did not return her calls.

In either May or June 2016, when respondent finally accepted Russell's call, he told her that he would call her later in the week, but he never did so. Despite Russell's "numerous" attempts to communicate with respondent, she never heard from him again.

On July 28, 2016, Russell filed a grievance against respondent. Between January and March 2017, DEC investigator Theresa Brown, Esq. attempted to

communicate with respondent about the grievance, via letters and telephone calls. He never replied.

The complaint charged respondent with having violated RPC 1.1(a), RPC 1.3, and RPC 3.2, based on his failure to institute "appropriate and timely litigation" on behalf of Russell's mother; RPC 1.1(b), based on this conduct, "when combined with other acts of neglect herein;" RPC 1.1(a) and (b), RPC 1.3, and RPC 1.4(b), based on his failure to return Russell's numerous calls and his failure to provide Russell with copies of "any pleadings or correspondence;" RPC 1.1(a), RPC 4.1(a)(1), and RPC 8.4(c), based on unidentified false statements made to Russell and "third parties;" RPC 1.1(b) and RPC 8.1 (presumably (b)), based on his failure to comply with the DEC's request for a written reply to the grievance, as well as his failure to return the investigator's telephone calls; and RPC 1.1(d) and RPC 8.4(c) and (d), based on his "conduct above [which] constitutes failure to communicate."

As stated previously, respondent's counsel filed a motion to vacate the default. To succeed, a respondent must (1) offer a reasonable explanation for the failure to answer the ethics complaint and (2) assert a meritorious defense to the underlying charges.

In respondent's certification in support of the motion, he did not assert a meritorious defense to the charges. To the contrary, he admitted the charges

brought against him. We, thus, determined to deny the motion to vacate the default. However, in light of respondent's admission to the charges, we considered the compelling facts offered in mitigation in determining the appropriate quantum of discipline to impose on respondent.

Respondent claimed, in his certification, that, beginning in 2010, he experienced "a series of professional and personal hardships that severely compromised [his] ability to practice law," including an ill-fated law partnership that adversely affected his financial state, as well as "marital pressures," which made it impossible to represent his clients effectively.

Respondent acknowledged that, "out of panic and confusion," he had lied to DEC investigator Wietrzychowski about the Clunn matter, but, ultimately, told him the truth. After the DEC had filed a formal ethics complaint against respondent, and he submitted an answer, the parties entered into a stipulation of discipline by consent. According to respondent, the Office of Attorney Ethics (OAE) rejected the stipulation because respondent's signature was in electronic form, and because the Russell grievance had been filed.

Respondent stated that, he did not return DEC investigator Brown's telephone calls in the Russell matter because his financial and marital problems "had worsened, and, by that time, [he] was in a state of denial and

deep depression about [his] personal and professional life." For the same reasons, he did not answer the ethics complaint in this matter. "To put it bluntly," respondent claimed, "at that point [his] life was spinning out of control."

Respondent presumably learned of the default, in this matter, when his employer viewed the February 23, 2018 notice of publication of default, stating that we would hear this matter on April 19, 2018. He became despondent and, five days later, on April 24, 2018, voluntarily began psychological counseling and treatment. He subsequently moved to Florida to benefit from the support of his family.

Respondent informed us that he is not practicing law "in any form," that he has undergone "significant therapy," and that he continues in psychotherapy in Florida. He also informed us that he has no "present intention" of practicing law anywhere, including New Jersey, and that he is prepared to accept the consequences of his unethical conduct. His purpose in introducing mitigation was "to keep open the possibility that one day, in appropriate circumstances and under appropriate conditions," he may return to the practice of law.

Also, in mitigation, we acknowledge that, prior to the filing of the grievances in this matter, respondent had practiced law for twenty-six years, without a single allegation of unethical conduct against him. From 2007 until

2017, he served on the Board of Governors of the New Jersey Association for Justice (NJAJ). He was a member of the NJAJ's executive board from 2011 until 2016.

Over the years, respondent developed an expertise in the area of nursing home abuse and "helped to develop the tort of nursing home neglect in New Jersey." Due to his "special competence in that area of the law," respondent had "spoken and published on the subject on many occasions." In 2014, respondent served as president of the National Nursing Home Litigation Group of the NJAJ.

Respondent's failure to file an answer to the complaint 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, as well as respondent's specific admissions, each charge in the complaint must be supported by sufficient facts for us to determine that unethical conduct has occurred. In this case, the alleged facts support most, but not all, of the charges.

We consider first the allegations pertaining to the manner in which respondent handled the Clunn and Russell matters. RPC 1.1(a) prohibits an attorney from handling a matter in a grossly negligent manner. Respondent exhibited gross neglect in the Clunn matter when he failed to oppose the

defendants' summary judgment motion, resulting in the dismissal of Clunn's case. Respondent's failure to oppose the motion also constituted a lack of diligence, a violation of RPC 1.3.

The gross neglect charge in the Russell matter also is supported by the allegations of the complaint. Respondent entered into a contingent fee agreement with Russell and, thus, he must have concluded that her mother had a meritorious claim against the nursing home. Yet, he never filed a lawsuit and never so informed Russell, choosing instead to avoid her, and to lie to Mayfield. Respondent's conduct in this regard violated both RPC 1.1(a) and RPC 1.3.

Despite respondent's admissions, the allegations of the complaint do not support the pattern-of-neglect charge. A violation of RPC 1.1(b) requires a minimum of three instances of neglect. In re Rohan, 184 N.J. 287 (2005); In the Matter of Donald M. Rohan, DRB 05-062 (June 8, 2005) (slip op. at 12). This disciplinary matter involves only two. Thus, we dismiss this charge.

RPC 3.2, in pertinent part, requires a lawyer to make reasonable efforts to expedite litigation consistent with the client's interests. Unlike RPC 1.3, which requires a lawyer to act with "reasonable diligence and promptness in representing a client," RPC 3.2 requires a lawyer to "make reasonable efforts to expedite litigation consistent with the interests of the client." The

allegations of the complaint do not support the determination that respondent violated the Rule in either the Clunn or Russell matters.

Although respondent's failure to oppose the summary judgment motion in the Clunn matter certainly resulted from gross neglect and lack of diligence, these infractions cannot sustain the charge that respondent failed to make reasonable efforts to expedite the litigation. The unopposed motion was filed, considered, and decided in due course.

In the Russell matter, respondent never filed a complaint. Therefore, there was no litigation to expedite. See, e.g., In re Tiffany, 213 N.J. 37 (2015); In the Matter of John E. Tiffany, DRB 12-217 (December 12, 2012) (slip op. at 17) (after the dismissal of his client's Special Civil Part complaint, the attorney's failure to either amend or re-file the complaint in that court or to file a new complaint in the Law Division did not violate RPC 3.2 because "there was no litigation to expedite," as the attorney had allowed the complaint to be dismissed due to his gross neglect and lack of diligence). For these reasons, we dismiss the alleged violation of RPC 3.2 in both matters.

Conduct prejudicial to the administration of justice (RPC 8.4(d)) typically involves behavior that flouts court orders and taxes judicial resources. See, e.g., In re Cerza, 220 N.J. 215 (2015) (attorney failed to comply with an order requiring him to produce subpoenaed documents in a

bankruptcy matter, a violation of RPC 3.4(c) and RPC 8.4(d); he also exhibited a lack of diligence and failed to promptly turn over funds to a client or third person, violations of RPC 1.3 and RPC 1.15(b)), and In re D'Arienzo, 207 N.J. 31 (2011) (attorney failed to appear in municipal court for a scheduled criminal trial, and thereafter failed to appear at two orders to show cause stemming from his failure to appear at the trial; by scheduling more than one matter for the trial date, the attorney inconvenienced the court, the prosecutor, complaining witness, and two defendants; in addition, his failure to provide the court with advance notice of his conflicting calendar prevented the judge from scheduling other cases for that date).

Here, although respondent committed other ethics infractions, the complaint alleges no facts to support a finding that respondent violated RPC 8.4(d). We, therefore, dismiss that charge.

Next, we consider the nature of respondent's communications in the two client matters. RPC 1.4(b) requires an attorney to keep a client reasonably informed about the status of a matter and to promptly comply with a client's reasonable requests for information. Respondent violated the Rule in both client matters by repeatedly failing to communicate with Clunn and Russell, and ignoring their multiple attempts to contact him to discuss their cases.

RPC 4.1(a)(1) prohibits an attorney from knowingly making a false statement of material fact or law to a third person. Respondent violated this Rule in the Russell matter when he told Mayfield, an attorney who was inquiring about the status of Russell's matter at her behest, that he had filed a complaint on behalf of Russell's mother. He, thus, violated RPC 8.4(c) as well.

Nothing in the complaint supports the determination that respondent violated RPC 4.1(a)(1) in the Clunn matter. He did violate RPC 8.4(c), however, when he told Clunn that the case remained pending, even though the defendants had been granted summary judgment. Respondent also lied to Clunn when he stated that the defendants had offered to settle the case and that a settlement would be reached in a few weeks.

Finally, we consider the charges based on respondent's conduct in the disciplinary investigation of the grievances. RPC 8.1(a) prohibits an attorney from knowingly making a false statement of material fact to a disciplinary authority. RPC 8.1(b) prohibits an attorney from knowingly failing to reply to a lawful demand for information from a disciplinary authority.

Respondent violated RPC 8.1(a), when he admittedly made multiple misrepresentations to DEC investigator Wietrzychowski in the Clunn matter. He violated RPC 8.1(b) in both the Clunn and Russell matters, when he failed to comply with the DEC's request for documents in the Clunn matter, and

failed to reply to the DEC investigator's letters and phone calls in the Russell matter.

To conclude, we find that respondent violated RPC 1.1(a), RPC 1.3, RPC 1.4(b), RPC 8.1(b), and RPC 8.4(c) in both matters; RPC 8.1(a) in the Clunn matter; and RPC 4.1(a)(1) in the Russell matter. He did not violate RPC 1.1(b), RPC 3.2, or RPC 8.4(d) in either matter.

We now address the appropriate quantum of discipline for respondent's ethics infractions in this default matter.

The minimum measure of discipline for a misrepresentation to a client, a third party, or a disciplinary authority is a reprimand. In re Kasdan, 115 N.J. 472, 488 (1989); In re Walcott, 217 N.J. 367 (2014); and In re DeSeno, 205 N.J. 91 (2011).

A reprimand may still be imposed even if the misrepresentation is accompanied by other, non-serious ethics infractions. See, e.g., In re Ruffolo, 220 N.J. 353 (2015) (respondent exhibited gross neglect and a lack of diligence by allowing his client's case to be dismissed, not working on it after filing the initial claim, and failing to take any steps to prevent its dismissal or ensure its reinstatement thereafter, violations of RPC 1.1(a) and RPC 1.3; the attorney also violated RPC 1.4(b) by failing to promptly reply to the client's requests for status updates; finally, his assurances that the client's matter was

proceeding apace, and that he should expect a monetary award in the near future were false, thereby violating RPC 8.4(c)); In re Liptak, 217 N.J. 18 (2014) (reprimand imposed on attorney who misrepresented to a mortgage broker the source of the funds she was holding in her trust account; attorney also committed recordkeeping violations; compelling mitigation); and In re DeSeno, 205 N.J. 91 (attorney reprimanded for misrepresenting to the district ethics committee the filing date of a complaint on the client's behalf; the attorney also failed to adequately communicate with the client and failed to cooperate with the investigation of the grievance; prior reprimand).

Censures have been imposed on attorneys who, like respondent, make misrepresentations to more than one party. In In re Otlowski, 220 N.J. 217 (2015), for example, a censure was imposed on an attorney who made misrepresentations in violation of RPC 8.1(a) and RPC 8.4(c). Specifically, the attorney had misrepresented to both an individual lender of his client and the OAE that funds belonging to the lender and his client's co-lenders, which had been deposited into the attorney's trust account, were frozen by a court order when, to the contrary, they had been disbursed to various parties. In the Matter of George J. Otlowski, Jr., DRB 14-067 (September 17, 2014) (slip op. at 3-4, 9-10). He also made misrepresentations on an application for professional liability insurance. Id. at 4, 11-12.

In Otlowski, the Court rejected our imposition of a three-month suspension, which was based on a determination that the multiple mitigating factors (the passage of time, the absence of a disciplinary history in the attorney's lengthy career, and his public service and charitable activities) were outweighed by the attorney's "troubling pattern of deception toward multiple parties." In the Matter of George J. Otlowski, Jr., DRB 14-067 (September 17, 2014) (slip op. at 16).

The Court censured Otlowski. Otlowski, 220 N.J. 217. Although the Court did not pen a decision explaining its rejection of the suspension, we are led to the conclusion that, despite Otlowski's multiple misrepresentations to multiple parties, the mitigating factors were sufficient to overcome a suspension.

In In re Schroll, 213 N.J. 391 (2013), a censure was imposed on an attorney who misrepresented to a district ethics committee secretary that the personal injury matter in which he was representing the plaintiff was pending, even though he knew that the complaint had been dismissed more than a year earlier. In the Matter of Bryan C. Schroll, DRB 12-204 (December 4, 2012) (slip op. at 4-5, 19). Further, for the following three years, the attorney continued to mislead the secretary that the case was still active. Id. at 8. The attorney also misrepresented to his client's former lawyer that he had obtained

a default judgment against the defendants. Id. at 9. Schroll also was guilty of gross neglect, lack of diligence, and failure to reply to the client's numerous attempts to obtain information about her case. Id. at 12-13.

In our decision, we noted that, at a minimum, a reprimand was warranted for Schroll's "most serious transgression," which was his misrepresentations to the district ethics committee secretary and the client's former attorney. Id. at 19. In aggravation, however, we pointed out that, during the three-year period in which the attorney continued to withhold the truth from the secretary, he had "squandered several opportunities to 'come clean' and admit that the complaint had been dismissed, choosing instead to 'double[] down' on his lies." Ibid. This aggravating factor outweighed the attorney's unblemished disciplinary history during the ten-year period between his admission to the bar and his unethical conduct, thereby resulting in the censure. Id. at 19-20.

In this matter, respondent's conduct lies somewhere between that of Otlowski and Schroll. Although Otlowski was found guilty of violating RPC 8.1(a) and RPC 8.4(c), by making misrepresentations to a lender, the OAE, and on an insurance application, he had not been charged with any other RPC violation. Schroll, on the other hand, was found guilty of making a misrepresentation to his client's former lawyer and misleading the DEC

investigator for three years, in addition to gross neglect, lack of diligence, and failure to communicate with the client.

Here, respondent lied to his client and the DEC investigator in the Clunn matter, and he lied to Mayfield, a third party, in the Russell matter. In addition, he is guilty of gross neglect, lack of diligence, failure to communicate with his clients, and failure to cooperate with disciplinary authorities in both matters. This makes his misconduct more in line with Schroll's than Otlowski's.

There are two significant differences between Schroll and this matter, however. First, Schroll remained steadfast in his efforts to mislead the investigator for three years. Respondent came clean with the DEC investigator within months.

Second, Schroll presented his unblemished disciplinary history, which comprised a ten-year period, as the only mitigating factor. Respondent, on the other hand, had practiced law for twenty-six years before a grievance was filed against him. For his part, Otlowski had enjoyed an unblemished disciplinary history of almost forty years.

Like Otlowski, respondent has submitted additional, compelling mitigating factors. Whereas Otlowski had served on a community college's board of trustees, in addition to representing a local board of education, for twenty years, Otlowski, slip op. at 12, respondent had served on the NJAJ

Board of Governors for ten years, its Executive Board for five years, and as president of NJAJ's National Nursing Home Litigation Group, for one year.

Otlowski's other mitigating factors involved serving as both a municipal prosecutor for four years and as a municipal public defender for two or three years. Id. at 12-13. He also had represented "'a lot of churches of all different denominations,'" on a pro bono basis, for many years. Id. at 13.

Although respondent does not identify either public service or pro bono representations as mitigating factors, he presents other factors that are of a compelling nature. Notably, he was considered an expert in his field and, thus, had spoken and published on the subject "on many occasions."

Thus, we consider a censure as the starting point in determining the appropriate discipline in this case. However, we must consider the default status of this matter. See In re Kivler, 193 N.J. 332, 342 (2008) ("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.")

Although a three-month suspension is otherwise warranted, we believe that respondent has presented additional significant mitigating factors, which justify the imposition of a censure. Specifically, throughout his representations of Clunn and Russell, during the DEC investigations in both matters, and after

the ethics complaint was filed against him, respondent was experiencing serious financial and personal problems, in addition to major depression, leading him, eventually, to seek psychotherapy. He is not practicing law presently and is undergoing treatment for his depression. Thus, we view him as posing no threat to the public.

We, therefore, determine to impose a censure on respondent for his violations of RPC 1.1(a), RPC 1.3, RPC 1.4(b), RPC 4.1(a), RPC 8.1(a) and (b), and RPC 8.4(c).

Members Gallipoli and Zmirich voted to impose a three-month suspension. Member Hoberman did not participate.

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
Bonnie C. Frost, Chair

By: _____
Ellen A. Brodsky
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Saul Gary Gruber
Docket No. DRB 18-017

Decided: November 9, 2018

Disposition: Censure

Members	Censure	Three-Month Suspension	Recused	Did Not Participate
Frost	X			
Clark	X			
Boyer	X			
Gallipoli		X		
Hoberman				X
Joseph	X			
Rivera	X			
Singer	X			
Zmirich		X		
Total:	6	2	0	1

By: Paula M. Gianzzo
Ellen A. Brodsky
Chief Counsel