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June 23, 2020

Heather Joy Baker, Clerk
Supreme Court of New Jersey
P.O. Box 970
Trenton, New Jersey 08625-0962

Re: **In the Matter of Megan A. Natkow**
Docket No. DRB 20-062
District Docket No. XIII-2019-0043E

Dear Ms. Baker:

The Disciplinary Review Board has reviewed the motion for discipline by consent (six-month suspension or such lesser discipline as the Board may deem appropriate, with conditions) filed by the District XIII Ethics Committee (DEC) in the above matter, pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion and to impose a six-month suspension, with conditions, for respondent's violation of RPC 1.3 (lack of diligence); RPC 1.4(b) (failure to communicate with the client); RPC 4.1(a)(1) (false statement to a third person); and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). The Board determined to dismiss the RPC 8.4(a) charge.

Respondent served as counsel to the GalaxE company. As part of her duties, respondent was required to file immigration papers on behalf of numerous GalaxE employees. She missed several significant deadlines; submitted improper documents, which resulted in rejected applications; and failed to notify GalaxE or the affected employees of the omissions. Overall, respondent failed to inform five to ten employees of mistakes in their immigration applications and, further, communicated false statements to them. She also failed to inform her supervisors that she had missed important filing deadlines and, instead, made additional false statements to them.

In one instance, as a result of respondent's failure to timely file papers extending an employee's L-1B immigration status, the employee was forced to temporarily return to India.

In an attempt to conceal this omission, respondent misrepresented that the documents had been timely filed. Respondent then provided the employee with information from a different case to support her misrepresentation.

Moreover, respondent mailed fabricated documents to herself, for the purpose of opening them in the employee's presence, in order to perpetuate the deception that the documents had been timely filed. In another instance, respondent sent documents to herself via FedEx to convey the appearance that the government had sent her the wrong documents.

Additionally, approximately five employees asked respondent for an update on their immigration applications. Respondent falsely assured them that their applications had been filed, and their matters were proceeding in due course. The applications, however, were either deficient or had not been filed.

Egregious violations of RPC 8.4(c), where the lie is compounded by the fabrication of documents to hide the misconduct, have resulted in the imposition of terms of suspension. See, e.g., In re Steiert, 220 N.J. 103 (2014) and In re Carmel, 219 N.J. 539 (2014).

In Steiert, a six-month suspension was imposed on the attorney for serious misconduct, in violation of RPC 8.4(c) and (d). Through coercion, the attorney had attempted to convince his former client, who had been a witness in the attorney's prior disciplinary proceeding, to execute false statements. The attorney intended to use the former client's false statements to exonerate himself in respect of the prior discipline. In aggravation, the attorney's conduct was found to amount to witness tampering, a criminal offense. Additionally, the attorney exhibited neither acceptance of his wrongdoing nor remorse. Finally, he had a prior reprimand, in 2010, for practicing law while ineligible and making misrepresentations in an estate matter. Proof of fitness was required as a condition to the attorney's reinstatement.

In Carmel, a three-month suspension was imposed on the attorney for his egregious violation of RPC 8.4(c). The attorney had represented a bank in a successful real estate foreclosure proceeding against a borrower. To avoid duplicate transfer taxes, the attorney and bank chose not to immediately record the bank's deed in lieu of foreclosure. When a subsequent buyer for the property was under contract, the attorney discovered that, in the interim, an Internal Revenue Service (IRS) lien had been filed against the property. Because the IRS lien was superior of record to the bank's interest, the IRS likely would have levied against the bank's proceeds from the intended sale of the property. Rather than disclose the prior IRS lien to his client, the attorney fabricated a lis pendens for the foreclosure action, which was intended to deceive the IRS into believing that its lien was junior to the bank's interest. The attorney then sent the false lis pendens to the IRS, represented that it had been filed prior to the filing of the IRS lien, and attempted to engage the IRS in settlement discussions. Rather than settle, the IRS referred the matter to the U.S. Attorney's Office. The attorney finally admitted his misconduct. In mitigation, the attorney had an unblemished disciplinary history and satisfied the IRS lien, in the amount of \$14,186 plus interest, with his own funds, in order to make both his client and the government whole.

Attorneys who have similarly lied to clients or supervisors and fabricated documents to conceal their mishandling of legal matters also have received terms of suspension. In re Brollesy, 217 N.J. 307 (2014) (three-month suspension imposed on attorney who misled his client, a Swedish pharmaceutical company, that he had obtained visa approval for one of the company's top-level executives to begin working in the United States; although the attorney had filed an initial application for the visa, he took no further action and failed to keep the client informed about the status of the case; in order to conceal his inaction, the attorney lied to the client, fabricated a letter from the United States Embassy, and forged the signature of a fictitious United States Consul, in violation of RPC 8.4(c); the attorney also violated RPC 1.1(a), RPC 1.3, and RPC 1.4(b); mitigation included the attorney's twenty years at the bar without prior discipline and his ready admission of wrongdoing by entering into a disciplinary stipulation) and In re Yates, 212 N.J. 188 (2012) (three-month suspension imposed on attorney who, after a client's personal injury matter had been assigned to him, neglected to file a complaint prior to the expiration of the statute of limitations; when the attorney realized what had happened, he panicked and hid the information from the firm and from the client for nearly a year; the attorney fabricated a settlement agreement, which falsely stated that a complaint had been filed on a date that preceded the firm's representation of the client, and misrepresented that the defendant had filed an answer and had agreed to settle the matter for \$600,000; about six weeks later, the attorney confessed his misconduct to the client; the attorney violated RPC 1.1(a), RPC 1.3, RPC 1.4(b), and RPC 8.4(c)).

Here, in aggravation, the Board considered the lengths to which respondent went to conceal her mistakes, rather than admitting her failure to complete the immigration tasks, and the demonstrated harm to GalaxE and its employees. In mitigation, the Board considered respondent's mental health issues; her asserted employment stressors; her expression of remorse; and her entry into the stipulation. On balance, the Board determined that respondent's prolonged, egregious misconduct warrants the imposition of a six-month suspension.

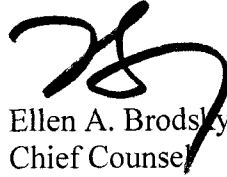
In addition to the term of suspension, the Board requires that, within ninety days of the date of the Court's Order in this matter, respondent provide proof of completion of two ethics courses approved by the Office of Attorney Ethics (OAE), and that, prior to reinstatement, she be required to submit proof of fitness to practice, as attested by a mental health professional approved by the OAE.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated January 9, 2020.
2. Stipulation of discipline by consent, dated January 13, 2020.
3. Affidavit of consent, dated January 13, 2020.

4. Ethics history, dated June 23, 2020.

Very truly yours,


For: Ellen A. Brodsky
Chief Counsel

EAB/trj

Enclosures

- c: (w/o enclosures)
Bruce W. Clark, Chair
Disciplinary Review Board (e-mail)
Charles Centinaro, Director
Office of Attorney Ethics (e-mail and interoffice mail)
Isabel K. McGinty, Statewide Ethics Coordinator
Office of Attorney Ethics (e-mail)
Paul Loeffler, Chair
District XIII Ethics Committee (e-mail)
Donna P. Legband, Secretary
District XIII Ethics Committee (e-mail and regular mail)
Adam M. Eisenhut, Presenter
District XIII Ethics Committee (e-mail)
Megan A. Natkow, Respondent (e-mail and regular mail)
Jamie Morrow, Grievant (regular mail)