Supreme Court of New Jersey
Disciplinary Review Board
Docket No. DRB 20-166
District Docket No. XIV-2015-0134E

In the Matter of	:
Scott Garyt Hunziker	:
An Attorney at Law	:

Decision

Argued: November 19, 2020

Decided: March 31, 2021

HoeChin Kim appeared on behalf of the Office of Attorney Ethics.

Respondent appeared pro se.

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

This matter was before us on a disciplinary stipulation between the Office of Attorney Ethics (OAE) and respondent. Respondent stipulated to having

violated RPC 1.3 (lack of diligence); RPC 1.4(b) (failure to communicate with the client); RPC 5.5(a)(1) (unauthorized practice of law); and RPC 8.4(d) (conduct prejudicial to the administration of justice).

For the reasons set forth below, we determine to impose a censure.

Respondent was admitted to the New Jersey bar on November 13, 2013; to the Missouri bar in 2000; to the Kansas and Texas bars in 2001; and to the Georgia bar in 2015. At the relevant times, he was the managing partner of The Voss Law Firm, P.C., located in The Woodlands, Texas.

Respondent has no history of discipline in New Jersey.

Respondent and the OAE entered into a disciplinary stipulation, dated June 29, 2020, which sets forth the following facts in support of respondent's admitted ethics violations.

By way of background, on October 29, 2012, Superstorm Sandy devastated New Jersey. Over two million people lost power, and approximately 346,000 homes were damaged, 22,000 of which were rendered uninhabitable. As a result, many homeowners filed claims with their insurance companies and sought the assistance of licensed public adjusters and law firms.

The Voss Law Firm, P.C. (the Voss firm) specialized in representing policyholders as plaintiffs in actions against insurance companies that had

denied coverage under their policies. On December 12, 2012, the Voss firm, which Bill Voss, Esq., solely owned, rented commercial space in Toms River, New Jersey and began representing New Jersey policyholders who had suffered property damage from Superstorm Sandy.

According to respondent, due to the increasing number of local commitments; property inspections; mediations; settlement conferences; and other litigation-related activities, the Voss firm deemed it to be in their clients' best interests to retain New Jersey local counsel to serve as lead attorneys on the Superstorm Sandy matters. Thus, in March 2013, the Voss firm placed an advertisement on Craigslist, seeking local counsel to work on the New Jersey cases.

On March 24, 2013, New Jersey lawyer Audwin F. Levasseur, of Harbatkin & Levasseur, P.C.[1] (Harbatkin & Levasseur), responded to the Craigslist advertisement. The Voss firm represented to Levasseur that retaining local counsel to handle routine matters and court appearances would make it more efficient for the firm to manage its cases, given the firm's Texas-based operations.

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[1] This record inconsistently reflects the corporate status of Harbatkin and Levasseur as both P.C. and P.A. The corporate status of that firm has already been addressed by the Court. In re Levasseur, 241 N.J. 357 (2020).

During the negotiations of the terms and conditions of a local counsel agreement, Levasseur informed the Voss firm that, because he maintained his own practice, the Voss firm would be required to manage discovery for the cases. The Voss firm agreed to manage discovery and to perform the lion's share of the work.

On April 13, 2013, Levasseur and Voss executed a local counsel agreement, which identified respondent as lead litigation counsel for the Superstorm Sandy cases. At the time, no Voss firm attorney, including respondent, was licensed to practice law in New Jersey state or federal courts.[2]

The local counsel agreement provided that the Voss firm would pay Levasseur a flat, $2,400 monthly fee for his local counsel services, based on a projection of ten hours per month, at an hourly rate of $240. Levasseur's responsibility was to assist the Voss firm with pro hac vice admissions; advise on local practice; file all pleadings, motions, and responses; and attend routine court appearances. Levasseur did not solicit clients for the Voss firm; did not

[2] An attorney must be a member of the bar of the Supreme Court of New Jersey, in good standing, before being admitted to the U.S. District Court for the District of New Jersey. See United States District Court for the District of New Jersey Local Rule 101.1. (https://www.njd.uscourts.gov/sites/njd/files/completelocalRules.pdf)

sign retainer agreements with clients; did not pay court filing fees for clients; and did not hold client funds in his firm's attorney trust account.

The agreement specified that the Voss firm "shall maintain their own calendar, which shall be used to schedule dates for calendar calls, status conferences, pleading and motion filings, discovery obligations and deadlines, mediations or settlement conferences and other pertinent dates and deadlines necessary to comply with the rules of the Court during the servicing of the Clients' cases."

Complaints filed in state court were signed by Levasseur as "Local Counsel for Plaintiff" and by respondent as "Pro Hac Vice Pending." Levasseur signed complaints filed in the United States District Court for the District of New Jersey as "Attorney-in-Charge," and the accompanying civil cover sheets identified respondent as attorney of record. Unbeknownst to respondent, at the time the complaints were filed, Levasseur had not filed any pro hac vice applications in behalf of respondent in either New Jersey state or federal courts.

In July 2013, respondent sat for the New Jersey Bar exam; four months later, in November 2013, he was admitted to the New Jersey Bar. By this point, the relevant Superstorm Sandy complaints already had been filed under respondent's signature or his designation as attorney of record.

Pursuant to the local counsel agreement, Levasseur attended initial case management conferences and settlement conferences. He notified respondent of his difficulty in managing discovery demands, because the high volume of cases required him to exceed the projected commitment of ten hours per month that the local counsel agreement had contemplated.

By letter dated June 19, 2014, Levasseur asked Voss and respondent to increase his monthly fee. According to Levasseur, the increasing workload was due to discovery deadlines that were set for July and August 2014. On July 31, 2014, Levasseur's office notified respondent that eight cases had overdue discovery, pending motions to dismiss, or orders of dismissal entered.

On August 6, 2014, Voss wrote to Levasseur to memorialize the terms of their new agreement. Specifically, the Voss firm agreed to pay Levasseur a flat, $5,500 monthly rate for August 2014, based on the increased workload caused by discovery; court appearances for status conferences; motion practice; and settlement conferences in both state and federal cases. After that payment, however, no further monthly payments would be made. Instead, Levasseur, as lead counsel, would receive fifty percent of all legal fees for matters in which he attended a settlement conference or negotiated a settlement, prior to being

substituted as counsel of record.[3] All costs that the Voss firm incurred were to be reimbursed at settlement and, going forward, Harbatkin & Levasseur was to bear any additional costs incurred.

In October 2014, respondent and Levasseur met to discuss each case in detail. At that meeting, respondent learned of the continuing discovery issues in the cases, but Levasseur assured him that he had such matters under control. The October 2014 meeting ended well but, in later weeks, the relationship between Levasseur and respondent began to deteriorate.

On January 26, 2015, the Voss firm terminated the local counsel agreement with Levasseur. On February 3, 2015, respondent notified the Voss firm's clients of Levasseur's termination, and informed them that they could be represented by either Levasseur or the Voss firm, which had selected the Merlin Law Group as its new local counsel.

The nature and degree of the mishandling of the Voss firm's Superstorm Sandy cases was so extreme that, ultimately, both a federal and a state court imposed sanctions on respondent and Levasseur. The circumstances underlying those sanctions are detailed below.

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[3] The stipulation is silent concerning respondent's apparent violation of RPC 1.5(e), which governs fee sharing between lawyers who are not in the same firm.

On October 23, 2013, before respondent's admission to the New Jersey bar, Levasseur and respondent filed, in the Superior Court of New Jersey, a complaint captioned Lighthouse Point Marina & Yacht Club, LLC v. International Marine Underwriters (the Lighthouse Point matter). An amended complaint was filed on April 3, 2014, after respondent had been admitted to the New Jersey bar. On May 9, 2014, the defendant removed the action to federal court.

On November 13, 2014, the Honorable William H. Walls, U.S.D.J. granted the defendant's motion to dismiss the Lighthouse Point complaint and issued an opinion in support of his decision. According to Judge Walls' opinion, on December 4, 2012, after Lighthouse Point had filed a property wind damage claim pursuant to its policy with International Marine Underwriters, the insurer inspected the premises. The insurer found wind damage to two fences, valued the claim at $1,612, and paid $612 to Lighthouse Point, representing the value of the damage, less the $1,000 policy deductible. In June 2013, the Voss firm, as counsel for Lighthouse Point, demanded $540,000 for the wind damage, plus $135,000 in attorney fees.

The insurance policy required Lighthouse Point to fully comply with the terms of the policy before filing a lawsuit, and to permit the insurer to inspect

the property as often as reasonably was required. Although the insurer made at least ten requests to re-inspect the property after having received the $540,000 demand, Lighthouse Point never responded to the requests.

Even after a Magistrate Judge had ordered, in July 2014, that the property be made available for inspection, Lighthouse Point still refused. During a conference call, the court informed Lighthouse Point that "any further avoidance of an inspection would put the case at risk of dismissal." Thereafter, the insurer made several more requests for an inspection, all of which Lighthouse Point either denied or ignored. As detailed below, respondent was directly responsible for Lighthouse Point's failure to comply with the terms of both the policy and the federal order.

After the insurer filed a motion to dismiss the complaint, Lighthouse Point failed to submit any written opposition or "any evidence to counter [the insurer's] assertions of fraud, accord and satisfaction, or failure to comply with contractual obligations." According to Judge Walls, "[t]he facts raise a strong suspicion of bad faith," as the insurer had made a "sufficient showing" that Lighthouse Point had failed to comply with its obligations under the policy. On this point, he concluded: "[b]ecause [Lighthouse Point] has stonewalled, the policy bars this action."

Judge Walls also remarked that the record showed no activity by the plaintiff or its counsel, the Voss firm, apart from an agreement to a joint discovery plan and participation in an August 21, 2014 status conference.

Judge Walls' November 13, 2014 order dismissed the complaint, with prejudice, but denied the defendant's motion for attorneys' fees, without prejudice. Instead, the judge issued an Order to Show Cause "why the Court should not impose sanctions on Plaintiff and/or Plaintiff's counsel under Fed. R. Civ. P. 11, 28 U.S.C. § 1927 and/or the inherent power of the Court" for having filed a meritless claim against the defendant. Both the Voss firm and Harbatkin & Levasseur received a copy of the opinion, the order of dismissal, and the order to show cause, which were all entered the same day, and discussed below.

On January 13, 2015, Judge Walls issued an opinion and order that, in part, revoked, "in this district," any pro hac vice admission of Bill Voss, respondent, and other members of the Voss Law Center and the Voss firm; directed them to withdraw any pending pro hac vice applications; and barred them from "applying for pro hac vice admission for a period of one year from the date of this opinion." As a sanction, Judge Walls entered judgment against Lighthouse Point, Levasseur, and respondent, jointly and severally, for

$6,224.90 in costs and attorneys' fees that the defendant had incurred.

In the January 13, 2015 opinion, Judge Walls explained his reasoning for imposing sanctions:

> [p]laintiff's counsel's apathy when faced with a motion to dismiss, indifference to the Court's Order to Show Cause, noncompliance with earlier orders of this Court, disregard for the district's Hurricane Sandy Case Management Order, negligence in pursuing their client's claim, apparent lack of investigation before and after filing, issuance of a settlement demand with no factual relation to this case, stonewalling of their adversary's attempts to investigate, along with the apparent baselessness and potential fraudulence of the claim, and the continuing pattern of neglect before other judges in this district, justify a more serious response.
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> [S§B¶54;Ex.12,p.10.][4]

In a January 20, 2015 amended opinion, Judge Walls observed that counsel had "initiated more than 250 actions . . . within such a short time," which "raise[d] suspicion that they were prepared without investigation." He observed that "it is evident from the docket reports of many of these cases that Plaintiff's attorneys are not prosecuting their cases with diligence." Further, multiple cases

[4] "S" refers to the parties' June 29, 2020 disciplinary stipulation.

had been dismissed after the Voss firm had failed to respond to a defendant's motion. He continued:

> [t]he detriment of mass-produced lawsuits is not simply to the Court and the public, but also to the parties themselves. Plaintiff's counsel's participation in this matter has been cursory, depriving Plaintiff and its adversary of the diligence to which they are entitled . . . . The amended complaint is devoid of factual details, and alleges damage to a residence when the insurance policy covers commercial property. Plaintiff's counsel ignored the provisions of the Court's case management order, denying Defendant an opportunity to inspect the property, despite repeated requests. Warned by the Magistrate Judge that continuing this behavior would lead to dismissal, counsel still did not comply. Plaintiff's counsel never facilitated the inspection of the property, and did not respond to their adversary's motion to dismiss. Faced with allegations of fraud, and ordered to show cause why the case was not frivolous, Plaintiff's counsel remained silent. There is no indication that Plaintiff ever provided evidence of loss, which a standing order in this district requires plaintiffs in Hurricane Sandy litigation to do automatically. . . . Considering that the only documented damage to Plaintiff's property was a fence, and the insurer alleged to have already paid the claim, Plaintiff's counsel's issuance of a settlement demand in the high six-figures suggests a lack of investigation.
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> The Court gave Plaintiff's Counsel proper warning and a chance to explain its conduct. Plaintiff's counsel offered no explanation whatsoever.
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> [Ex.13,p.9.]

Judge Walls further stated his intention to refer respondent and Levasseur to the chief judge to determine whether further discipline was required.

On May 1, 2015, Judge Walls denied the Voss firm's and Levasseur's separate motions for reconsideration of the order imposing sanctions, and increased the monetary sanction to $6,901.70, finding that "the Voss Firm and Mr. Levasseur ignored their responsibilities in the litigation." The judge also noted that respondent had submitted an affidavit in which he claimed that he "believed wholeheartedly that Levasseur would respond to the Order to Show Cause," and provided an example of Levasseur's alleged non-responsiveness. Judge Walls found respondent's position lacking in credibility.

Under Fed.R.Civ.P. 60(b), a party in federal court may be relieved from a final judgment, order, or proceeding based on mistake, inadvertence, surprise, or excusable neglect. In assessing excusable neglect on the Voss firm's part, Judge Walls pointed out that, after the complaint had been filed, the Voss firm took no action for the following ten months, when it filed the motion for reconsideration. Further, the Voss firm ignored repeated requests from its adversary to inspect the property, in violation of the court-ordered discovery schedule. Judge Walls described the pattern of delay as extensive.

Judge Walls also found that, despite the Voss firm's attempts to minimize its role in the litigation by claiming that Levasseur was lead counsel, the record demonstrated that "the Voss Firm was not simply a silent partner to Mr. Levasseur." Rather, the firm commissioned and possessed the appraiser's reports throughout the litigation, thus undercutting respondent's claimed reliance on Levasseur to send them to the court. The Voss firm also held itself out as the point of contact for settlement, and had sent the defendant a $675,000 settlement demand on its own letterhead.

Judge Walls stated:

> [t]o the extent that the Voss Firm had turned over day-to-day responsibility for the case to Mr. Levasseur, the Voss Firm had strong reason to doubt Mr. Levasseur would respond to the Order to Show Cause. To begin with, he failed to respond to the motion to dismiss in this case. By that point, he had established a pattern of disregarding cases. As early as June 2014, judges in this district began to grant unopposed motions to dismiss actions filed by the Voss Firm and Mr. Levasseur. By the time this Court issued an order to Show Cause on November 13, 2014, at least five other cases had been dismissed after a lack of prosecution or neglect. The frustrated tone of Mr. Hunziker's emails to Mr. Levasseur ("I NEED TO HEAR FROM YOU") does not produce an impression of confidence. Most devastating for the Voss Firm's avowal that it trusted Mr. Levasseur to respond to the Order to Show Cause, Mr. Hunziker was aware on December 22, 2014 that Mr. Levasseur had failed to act by the Court's December 13th deadline. Knowing this, the firm

> remained silent for the next six weeks, during which time the Court imposed sanctions.
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> At no point did it appear that Mr. Levasseur was deceiving the Voss Firm. Even if Mr. Levasseur failed to keep the Voss Firm informed about this case himself, the Voss Firm cannot blame him for its neglect of the communications received directly from its adversary and the Court. Defendant's counsel attempted to contact the Voss Firm to arrange for an inspection of the property on no fewer than ten occasions, by both telephone and letter, and received no response. The Voss Firm received the Order to Show Cause of November 13, 2014 by certified mail. The order named them personally. They had been in possession of their appraiser's reports since April 2013. Their failure to respond to court orders was manifestly unreasonable….
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> [Ex.13,pp.10-11 (citations omitted) (emphasis added).]

The judge questioned whether the Voss firm was making arguments in good faith. According to the judge, the failure of the Voss firm and Levasseur to prosecute this action was not "a one-time instance of administrative error or casual oversight." Rather, "their neglect has been ongoing and pervasive in this district." For example, in the months following the entry of the Order to Show Cause, "the Voss Firm and Mr. Levasseur failed to respond to dispositive motions in multiple other cases."

Judge Walls concluded:

> [t]he weakness of Mr. Hunziker's excuse that he trusted Mr. Levasseur to respond, even after repeated and

> obvious instances of disregard, raises doubts as to the Voss Firm's good faith. . . .
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> The Voss Firm's counsel concedes that "[t]he Movants seek to explain their conduct, not excuse it." The Court agrees: the explanation for the neglect does not excuse it. Although prejudice to the Defendant is modest, the Voss Firm's history of delay, its indifference to court orders throughout the district, and above all, the meritless nature of its excuse for the prolonged inattention, make relief under Rule 60(b) unavailable.
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> [Ex.13,p.12.]

After determining that the sanctionable conduct was the attorneys' alone, Judge Walls vacated the judgment entered against Lighthouse Point. Judge Walls explained that, "[g]iven the lack of information communicated to Lighthouse Point by its attorneys, the colorable factual basis for the complaint, and the ability of the attorneys to timely submit the appraisal reports on their own, Lighthouse Point is so distant from the sanctionable conduct that holding it responsible would be manifestly unjust."

Respondent and Levasseur engaged in similar misconduct in the Superstorm Sandy actions filed in the New Jersey state courts. On February 12, 2015, Levasseur sent a letter to the Honorable Robert A. Fall, J.A.D. (Ret.), requesting a stay of all Superstorm Sandy cases in Ocean County, as well as a special case management conference for cases involving the Voss firm.

The next day, respondent wrote to Judge Fall, claiming that Levasseur had made numerous misrepresentations to the court and requesting a forty-five-day stay or abatement in order to review and transition all the related files between the attorneys.

On February 20, 2015, Judge Fall issued an Order to Show Cause concerning eighty-three cases in which Levasseur and respondent were representing plaintiffs.[5] The order gave a detailed history of the lawyers' conduct in those matters.

According to Judge Fall, the Voss firm had been listed as plaintiffs' counsel in at least eighty-three pending Superstorm Sandy cases, all of which had been "the subject of repetitive applications to the court by defense counsel for failure to respond to discovery requests." On February 13, 2015, the court held hearings in respect of twenty-eight motions to dismiss with prejudice for failure to answer interrogatories and to reply to requests for the production of documents, in addition to eight orders to show cause in respect of discovery issues. Further, the court had scheduled four more motions to dismiss with prejudice, which were returnable on February 20, 2015.

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[5] On February 23, 2015, the OAE received a referral from Judge Fall regarding respondent's misconduct in representing the plaintiffs.

The Order to Show Cause directed Levasseur and respondent to personally appear in court on March 25, 2015, along with any counsel representing the defendants. In the Order, Judge Fall observed that

> in almost all of the listed docketed complaints filed in this court by Harbatkin & Levasseur, P.A., and signed by Audwin A. Levasseur, Esq., and by Scott G. Hunziker, Esq. on behalf of the Voss law Firm, contained on the attached list of cases, including, but not limited to those before the Court on February 13, 2015, . . . there have been repetitive and almost continual discovery problems that have resulted in the inability of the defendants to conduct meaningful settlement negotiations and conferences; have markedly slowed the management and progress of these cases through the court system by requiring aggressive case management and repetitive extensions of the discovery-end dates; have clogged the system with motions to dismiss the complaints without prejudice, pursuant to Rule 4:23-5(a)(1), motions to dismiss the complaints with prejudice pursuant to Rule 4:23-5(a)(2), and orders to show cause being issued by the court pursuant to Rule 4:23-5(a)(3), seeking to assure compliance with the notification-of-client requirements set forth in Rule 4:23-5(a)(1) and Rule 4:23-5(a)(2); have resulted in the incurrence of counsel fees and costs by defendants that would otherwise not have been necessary if discovery had proceeded in accordance with the Rules of Court and the guidelines set forth in the various case management orders issued by the court; and have resulted in circumstances where the court has been provided no proof or documentation concerning the awareness of plaintiffs of the procedural circumstances of their cases[.]
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> [Ex.1¶6.]

Judge Fall also observed that, in almost all the cases subject to the Order to Show Cause, in which an order of dismissal without prejudice had been entered, "the delinquent discovery has not been forthcoming, no motion to vacate . . . has been filed, and defendants have consequently filed motions to dismiss, with prejudice." Further, in almost all the cases, no proof had been submitted to the court that either Levasseur or respondent had provided plaintiffs with "the Rule-required notifications of entry of the order of dismissal without prejudice, or copies of the pending motion to dismiss with prejudice." Thus, Judge Fall adjourned the motions to dismiss with prejudice to the return date of the Order to Show Cause and directed the clerk of the court to send directly to the plaintiffs a copy of the order of dismissal without prejudice and the pending motion to dismiss with prejudice, as well as the executed Order to Show Cause for the purpose of ensuring that the plaintiffs knew "the procedural posture of their cases."

Judge Fall also stated that "these facts, coupled with the information set forth in Levasseur's and respondent's letters to the court, have created egregious circumstances that require the court to take action, sua sponte, in an effort to resolve all discovery issues expeditiously and in a fair manner, to assure that plaintiff(s) receive proper and appropriate representation, and to assure that any

prejudice to both plaintiff(s) and defendant(s) is minimized and dealt with in a fair and appropriate manner."

Many plaintiffs appeared for the March 25, 2015 show cause hearing and denied that they had been aware of the issues regarding the litigation until the court sent them the notice to appear. About twenty plaintiffs complained about the performance of respondent and Levasseur.

The court discussed the status of each case with respondent and Levasseur. According to Judge Fall, in almost all the cases where Levasseur and the Voss firm were representing plaintiffs, interrogatories had not been answered within the time period required by the Court Rules and the respective case management orders. At the end of the hearing, new deadlines were imposed, within which the discovery deficiencies could be cured, and the clients could seek new counsel.

On March 30, 2015, Judge Fall issued an order conditionally dismissing all thirty-nine cases that had pending motions to dismiss with prejudice, and permitting forty-five days for the cases to be reinstated, if the interrogatories and the production of documents were submitted. The order also afforded the clients the opportunity to continue their relationship with Levasseur, if they chose to do so. Further, the order provided that the court would be entering separate orders adjudicating the applications for sanctions and that any sanctions

ordered would be divided evenly between Harbatkin & Levasseur and the Voss firm. Ultimately, the Voss firm paid 100% of the sanctions.

Based on the above facts, the parties stipulated that respondent had violated RPC 1.3 by his mishandling of the New Jersey state and federal cases, which resulted in their dismissal and the imposition of sanctions in both state and federal courts; RPC l.4(b) by failing to notify the New Jersey clients of the status of their cases until Judge Fall intervened; RPC 5.5(a)(l) by signing complaints in New Jersey federal and state courts and identifying himself as plaintiffs' counsel when, at the time, he knew that he was not admitted to practice in either New Jersey state or federal courts, either on a pro hac vice basis or as a member of the New Jersey Bar; and RPC 8.4(d) by mishandling the Superstorm Sandy cases, which required the intervention of both New Jersey federal and state courts.

In respondent's brief, he asserted that, although the stipulation is accurate, the document was "perhaps deserving of certain clarification as to the circumstances surrounding its content." Despite having stipulated that he was the managing partner of the Voss firm, he submitted an affidavit from the Voss firm's founder, Bill Voss, in support of numerous statements offered to establish that respondent bears no responsibility for the calamity inflicted on the courts,

defense lawyers, and the parties in the Superstorm Sandy cases. Specifically, respondent claimed that he was not involved in Levasseur's selection as local counsel; that, in addition to respondent's role as local counsel, the Voss firm had assigned four of its own lawyers, whom respondent had supervised, to handle the cases; that, when it became obvious that the courts had fast-tracked the Superstorm Sandy cases, respondent informed Levasseur that the Voss firm would be replacing Harbatkin & Levasseur with a larger firm; that, in August 2014, Levasseur assumed full responsibility for all files, after he claimed that he would add "a half dozen" lawyers to his team and secure all necessary resources in order to adequately represent each and every client as the lead attorney; that the Voss firm assumed a monitoring role; that the Voss firm continued to receive notifications in respect of the state and federal deadlines and settings; that, at some point, the Voss firm learned that Levasseur was missing deadlines, hearings, and formal settlement conferences; that, although the Voss firm sought updates and explanations from Levasseur, the firm quickly realized that it must address the issues; that Levasseur thwarted all attempts of respondent to discuss the issues with him, until late 2014, by which time the Voss firm's concerns had reached "fever pitch;" that, when a personal meeting did occur, Levasseur assured respondent that the situations were contained and

each could be remedied and would proceed toward resolution without issue; that Levasseur cut the meeting short, refusing to meet more than one day; that Levasseur refused to schedule any subsequent meetings, or to allow respondent to secure additional counsel to assist with the Superstorm Sandy docket; that Levasseur also refused to comply with a chart that respondent created to track all cases, which greatly hindered the Voss firm's ability to assist either him or the clients; and that Levasseur refused to give the Voss firm copies of any new file materials containing the work product he supposedly completed, making it impossible for the firm to update the clients, or cure the deficiencies he was creating.

According to respondent, in early 2015, the Voss firm received notification of increasing dismissals of cases and potential sanctions to be imposed for alleged failures to appear for required hearings. In addition, orders were issued citing an alleged lack of responsiveness in behalf of the Voss firm's clients. Respondent's office contacted Levasseur's office immediately, but received no response. In addition, respondent's request to meet with Levasseur was denied. When respondent appeared at Levasseur's office in early January 2015, Levasseur told him to "go back to Texas." Thus, respondent's office was forced to file a replevin action against Levasseur to retrieve the file materials,

retain and substitute in new counsel, and continue all litigation without Levasseur. Thereafter, respondent contacted all clients and offered them the option of being represented by the Voss firm or Harbatkin & Levasseur. Those who remained with the Voss firm satisfactorily completed their cases with new counsel. Those who stayed with Levasseur faced negative outcomes, "largely due to the continuing conduct by his law firm, which never improved after this separation."

To the extent that respondent raises in his brief new assertions concerning Levasseur's behavior, we disregard those facts. Respondent participated in the drafting of the disciplinary stipulation. Thus, he should have incorporated these facts into that document.

The OAE recommended that we impose a reprimand. In his brief, respondent urged an admonition, although he argued that, given the "de minimis" nature of his misconduct and the passage of time, "a dismissal is objectively the most equitable outcome of this matter." At oral argument, respondent expressed remorse for his conduct and asserted that an admonition would be sufficient, given his "technical" violation of the RPCs.

Following a review of the record, we are satisfied that the facts contained in the stipulation clearly and convincingly support the finding that respondent violated RPC 1.3; RPC 1.4(b); RPC 5.5(a)(1); and RPC 8.4(d).

In connection with Superstorm Sandy, respondent and Levasseur represented New Jersey policyholders as plaintiffs in lawsuits instituted against their insurance providers. Consistent with The findings of Judge Walls and Judge Fall, respondent lacked diligence in the handling of the lawsuits. For example, Judge Walls observed that respondent and Levasseur were not prosecuting their cases with diligence and that multiple cases were dismissed after they had failed to respond to defendants' motions. In the Lighthouse Point matter, the judge described their participation in the litigation as "cursory," which deprived Lighthouse Point and its adversary of the diligence to which they were entitled. Further, the Voss firm and Levasseur ignored provisions of a case management order and repeatedly denied the defendant the required opportunity to inspect the property. The firms also failed to respond to their adversary's motion to dismiss.

In the state court actions, Judge Fall offered a nearly identical description of the manner in which respondent and Levasseur mishandled their cases. Among other things, he mentioned that the cases filed in that forum had been

"the subject of repetitive applications to the court by defense counsel for failure to respond to discovery requests."

RPC 1.3 requires an attorney to act with reasonable diligence and promptness in representing a client. Respondent violated the Rule by failing to investigate carefully the facts underlying his New Jersey clients' claims. He also failed to comply with discovery requests. Further, when the defendants filed motions to dismiss the complaints for failure to comply with discovery requests, he ignored them, leading to dismissals with prejudice and, eventually, orders to show cause.

RPC 1.4(b) requires an attorney to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information. Clearly, respondent did not comply with this Rule in the state court cases, as several clients explained at the show cause hearing. Respondent's deficiency was so severe that Judge Fall directed the clerk to provide the clients with a copy of the order of dismissal without prejudice and the pending motion to dismiss with prejudice, as well as the executed order to show cause for the purpose of ensuring that they knew "the procedural posture of their cases."

Respondent violated RPC 5.5(a)(1) by signing his name to pleadings, filed in both state and federal court, when he was not a member of the New Jersey

bar. Indeed, according to R. 1:21-2(c)(4), even after an attorney is admitted pro hac vice, all pleadings, briefs and other papers filed with the court must be "signed by an attorney of record authorized to practice in this State, who shall be responsible for them and for the conduct of the cause and of the admitted attorney."

An attorney who practices law in New Jersey without a license violates RPC 5.5(a)(1). See, e.g., In the Matter of Harold J. Pareti, DRB 09-028 (June 25, 2009) (for almost two years, the attorney held himself out as licensed to practice law in New Jersey, maintained a law office in Toms River, entered into a partnership with a New Jersey attorney, and performed numerous real estate closings; his actions were based on his mistaken belief that he had passed the New Jersey bar examination, a belief that was reinforced by his receipt of a letter asking for information to complete the bar admission process). Respondent, thus, violated RPC 5.5(a)(1), by signing his name to the Hurricane Sandy complaints filed in state and federal courts.

We reject the OAE's claim, in the stipulation, that respondent's violation of RPC 5.5(a)(1) is akin to unknowingly practicing while ineligible. The stipulation and exhibits identify one complaint as having been filed in October 2013 (the Lighthouse Point matter), which was about a month prior to

respondent's admission to the New Jersey bar. Clearly, before respondent received notice that he had been admitted to the bar, he knew that he was not. There could have been no mistake on his part that he was not a New Jersey lawyer when he signed the complaint in Lighthouse Point and other matters.

Finally, for all the reasons stated by Judges Walls and Fall, respondent violated RPC 8.4(d). He ignored court orders, and his conduct led to wasted judicial resources, as the state and federal courts were forced to decide a multitude of motions to dismiss, both without and with prejudice, as well as motions for sanctions, all of which were necessitated by respondent's failure to comply with either discovery requests or other court-ordered obligations (e.g., making the Lighthouse Point property available for the insurer's inspection). On top of these incidents, respondent failed to appear for an order to show cause, despite having notice of the proceeding.

Moreover, respondent filed hundreds of state and federal court complaints, without conducting any real investigation, and then failed to answer or reply, or to ensure that Levasseur answered and replied, to a multitude of discovery requests, motions to dismiss, and orders to show cause.

We reject respondent's attempts to evade responsibility for what amounted to a nearly total lack of representation of the clients in the matters

detailed herein. First, he was the managing partner of the Voss firm. Although he claimed that Levasseur was lead attorney, the truth is that the Voss firm was lead counsel, and respondent admitted that the Voss firm monitored each file and provided clerical and legal support. Critically, respondent asserted that he supervised four Voss firm attorneys, who "were involved in the demand, pleading and discovery stages of each matter's individual path through the litigation process." He admitted, as Judge Walls observed, that the Voss firm received notifications of deadlines in the federal and state cases. Yet, for some reason, respondent and the Voss firm were content to abdicate all responsibility for the Superstorm Sandy cases to local counsel, and now seek to absolve themselves on that basis. Judge Walls and Judge Fall did not distinguish respondent's role from Levasseur's. Neither do we.

In sum, we find that respondent violated RPC 1.3, RPC 1.4(b), RPC 5.5(a)(1), and RPC 8.4(d). The sole issue left for us to determine is the appropriate quantum of discipline for respondent's misconduct.

Generally, an admonition is the appropriate form of discipline for lack of diligence and failure to communicate with the client. See, e.g., In the Matter of Kyle G. Schwartz, DRB 19-222 (September 20, 2019) (after the attorney agreed to represent the executrix of an estate to file tax returns and to assist in the sale

of real estate, he neither communicated with the client nor completed the estate work; after the client threatened to file a grievance against the attorney, he apologized, promised to provide draft documents within days, but, once again, failed to communicate with her and failed to advance the representation; violations of RPC 1.3 and RPC 1.4(b)); In the Matter of Christopher G. Cappio, DRB 15-418 (March 24, 2016) (after the client retained the attorney to handle a bankruptcy matter, paid his fee, and signed the bankruptcy petition, the attorney failed to file the petition or to return his client's calls in a timely manner); and In the Matter of Charles M. Damian, DRB 15-107 (May 27, 2015) (the attorney filed a defective foreclosure complaint and failed to correct the deficiencies, despite notice from the court that the complaint would be dismissed if they were not cured; after the complaint was dismissed, he took no action to vacate the dismissal, a violation of RPC 1.3; the attorney also failed to tell the clients that he had never amended the original complaint or filed a new one, that their complaint had been dismissed, and that it had not been reinstated, a violation of RPC 1.4(b); in mitigation, the attorney had no other discipline in thirty-five years at the bar; staffing problems in his office negatively affected the handling of the foreclosure case; he was battling a serious illness during this time; and other family-related issues consumed his time and contributed to his inattention

to the matter).

Attorneys who practice law in jurisdictions where they are not licensed have received discipline ranging from an admonition to a suspension, depending on the occurrence of other ethics infractions, their disciplinary history, and the presence of aggravating and mitigating factors. See, e.g., In the Matter of Mateo J. Perez, DRB 13-009 (June 19, 2013) (admonition; although not admitted in New York, attorney represented a client there; attorney had represented several other clients in New York after having been admitted pro hac vice or having disclosed to the judges that he had not been admitted in New York; attorney, thus, believed that he could represent clients without admission; the clients were family and friends of the attorney and were not charged for the representation; mitigating factors included the absence of prior discipline and lack of personal financial gain; violation of RPC 5.5(a)); In the Matter of Duane T. Phillips, DRB 09-402 (February 26, 2010) (admonition; attorney, who was not admitted in Nevada, represented a client who was obtaining a divorce in that state; in mitigation, the conduct involved only one client, the attorney had no ethics history, and a recurrence of the conduct was unlikely; violation of RPC 5.5(a)); In re Brown, 216 N.J. 341 (2013) (reprimand; after agreeing to represent a client before the Court of Appeals for Veterans Claims (CAVC), attorney failed to

advance the appeal, failed to keep the client informed about the status of his matter, and failed to notify him that he had terminated the representation; moreover, because the attorney had not been admitted to practice before the CAVC, he engaged in the unauthorized practice of law; violation of RPC 1.3, RPC 1.4(b), RPC 1.16(d) and RPC 5.5(a); no prior discipline); In re Nadel, 227 N.J. 231 (2016) (censure for New Jersey attorney who had improperly established a systemic and continuous legal presence in Delaware, where he represented more than seventy-five Delaware residents in personal injury matters); In re Butler, 215 N.J. 302 (2013) (censure for attorney who, for more than two years, practiced with a law firm in Tennessee, although not admitted there; pursuant to an "of counsel" agreement, the attorney was to become a member of the Tennessee bar and the law firm was to pay the costs of her admission; the attorney provided no explanation for her failure to follow through with the requirement that she gain admission to the Tennessee bar; the attorney was suspended for sixty days in Tennessee, where the disciplinary authorities determined that her misconduct stemmed from a "dishonest or selfish motive"); In re Kingsley, 204 N.J. 315 (2011) (attorney censured, based on discipline in the State of Delaware, for engaging in the unlawful practice of law by drafting estate planning documents for seventy-five clients of a public accountant's

Delaware clients, many of whom he had never met, when he was not licensed to practice law in Delaware; the attorney also assisted the accountant in the unauthorized practice of law by preparing estate planning documents based solely on the accountant's notes and by failing to ensure that the documents complied with the clients' wishes; he continued to assist the accountant even after he learned that the Delaware Supreme Court had issued a cease and desist order in the accountant's own unauthorized practice of law proceeding); and In re Lawrence, 170 N.J. 598 (2002) (in a default matter, attorney received a three-month suspension for practicing in New York, where she was not admitted to the bar; the attorney also agreed to file a motion in New York to reduce her client's restitution payments to the probation department, failed to keep the client reasonably informed about the status of the matter, exhibited a lack of diligence, charged an unreasonable fee, used misleading letterhead, and failed to cooperate with disciplinary authorities).

Here, the number of cases in which respondent was involved makes his conduct akin to that of the attorneys in Kingsley and Nadel. In Kingsley, the attorney was implicated in about seventy-five matters for which he was found guilty of violating Delaware's RPC 5.5(b)(2), which prohibits an attorney not admitted to practice in that state to "hold out to the public or otherwise represent

that the lawyer is admitted to practice." In the Matter of Leonard W. Kingsley, DRB 10-056 (July 7, 2010) (slip op. at 15). When determining the appropriate reciprocal discipline for Kingsley, we concluded that a reprimand ordinarily would have sufficed for Kingsley's misconduct, which involved "simply draft[ing] estate planning documents based on [an accountant's] notes and then fail[ing] to confirm with the clients that the documents complied with their wishes." Id. at 32. In that regard, we gave "great weight" to the finding of the Delaware Board that Kingsley's violations were negligent, not intentional. Id. at 32-33. The Delaware Board had found that Kingsley's violations were not knowing because, at that time, the law (as to whether the drafting of estate planning documents to be reviewed by a Delaware lawyer constituted the practice of law) was unsettled. Id. at 13-14.

More serious, however, was Kingsley's continued preparation of documents for the accountant, in four more matters, after the Delaware Supreme Court had issued a cease and desist order against the accountant in his own unauthorized practice of law proceeding. Kingsley was aware of the order at the time. For that reason, we determined that a censure was warranted. Id. at 33. The Court agreed. In re Kingsley, 204 N.J. 315.

In Nadel, the attorney engaged in the unauthorized practice of law in Delaware for a three-year period. In the Matter of Raymond S. Nadel, DRB 15-372 (August 3, 2016) (slip op. at 3). During that time, a doctor sought legal assistance from the attorney for one of his patients. Ibid. Ultimately, however, the attorney met with more than seventy-five patients, all of whom were injured in automobile accidents. Ibid. The accidents had occurred in Delaware and involved Delaware insurance policies. Ibid. The attorney attempted to settle all the cases. Ibid. As to those he was unable to resolve, the attorney referred the patients to a Delaware lawyer to pursue litigation. Ibid.

Although the attorney never represented to any client or court that he was a member of the bar, he acknowledged that, by meeting with the patients in Delaware, he created the impression that he was a licensed Delaware attorney. Id. at 4. The attorney claimed that he believed that a Delaware law license was not required to handle pre-litigation matters. Ibid. None of the clients were harmed by the attorney's actions, however. Ibid.

In assessing the appropriate measure of discipline to impose on the attorney, we compared his conduct to that of the attorney in Kingsley. Id. at 13. In so doing, we noted that Kingsley's conduct was negligent, as the state of the law was uncertain at the time of his conduct. Id. at 15. By contrast, Nadel should

have known that, by dispensing legal advice to Delaware clients, he was practicing law in that state. Ibid. We also noted that, like Kingsley, Nadel was involved in about seventy-five cases. Ibid. Thus, a censure was appropriate for Nadel's conduct. Ibid.

Here, respondent signed complaints despite knowing that he was not a member of the New Jersey bar. We disregard his claim that, at the time, he was unaware that Levasseur had not filed pro hac vice motions in support of his admission. Surely, respondent knew that he had not signed affidavits or certifications in support of such motions, and, further, that he had not been told that he was admitted or given orders granting him pro hac vice status.

Although the number of cases with which respondent was involved exceeds that of the attorney in Kingsley, respondent's improper activity was limited to signing complaints within a period of months rather than the three-year span of the attorney in Nadel. Were this the extent of the charges brought against him, we may have imposed a reprimand. There is, however, the matter of respondent's RPC 8.4(d) violation.

Conduct prejudicial to the administration of justice comes in a variety of forms, and the discipline imposed for the misconduct varies depending on attendant factors, including the existence of other violations, the attorney's

ethics history, whether the matter proceeded as a default, the harm to others, and mitigating or aggravating factors. See, e.g., In re Ali, 231 N.J. 165 (2017) (reprimand for attorney who disobeyed court orders by failing to appear when ordered to do so and by failing to file a substitution of attorney, violations of RPC 3.4(c) and RPC 8.4(d); he also lacked diligence and failed to expedite litigation in one client matter and engaged in ex parte communications with a judge; in mitigation, we considered his inexperience, his unblemished disciplinary history, and the fact that his conduct was limited to a single client matter); In re D'Arienzo, 207 N.J. 31 (2011) (censure for an attorney who 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, the complaining witness, and two defendants; in addition, the attorney's failure to provide the court with advance notice of his conflicting calendar prevented the judge from scheduling other cases for that date; prior three-month suspension and two admonitions plus failure to learn from similar mistakes justified a censure); In re DeClemente, 201 N.J. 4 (2010) (three-month suspension for an attorney who arranged three loans to a judge in connection with his own business, failed either to disclose to

opposing counsel his financial relationship with the judge or to ask the judge to recuse himself, made multiple misrepresentations to the client, engaged in an improper business transaction with the client, and engaged in a conflict of interest); In re Block, 201 N.J. 159 (2010) (six-month suspension where the attorney violated a court order that he had drafted by failing to transport his client from prison to a drug treatment facility, instead he left the client at a church while he made a court appearance in an unrelated case; the client fled and encountered more problems while on the run; the attorney also failed to file an affidavit in compliance with R. 1:20-20, failed to cooperate with disciplinary authorities, failed to provide clients with writings setting forth the basis or rate of the fees, lacked diligence, engaged in gross neglect, and failed to turn over a client's file; prior reprimand and one-year suspension); and In re Bentivegna, 185 N.J. 244 (2005) (motion for reciprocal discipline; two-year suspension for an attorney who was guilty of making misrepresentations to an adversary, negotiating a settlement without authority, filing bankruptcy petitions without authority to do so and without notifying her clients, signing clients' names to documents, making misrepresentations in pleadings filed with the court, violating a bankruptcy rule prohibiting the payment of fees before paying filing fees; the attorney was guilty of conduct prejudicial to the administration of

justice, gross neglect, failure to abide by the client's decision concerning the objectives of the representation, failure to communicate with clients, excessive fee, false statement of material fact to a tribunal, and misrepresentations).

Terms of suspension routinely have been imposed on attorneys who commit egregious violations of RPC 8.4(d). See, e.g., In re Sklar, 236 N.J. 554 (2019) (three-month suspension imposed on attorney who violated RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal) and RPC 8.4(d), by defying two court orders granting a party's expert the authority to search her computer back up files, which resulted in the imposition of a $165,000 sanction for misuse of the discovery process; the attorney also violated RPC 3.3(a)(1) and RPC 8.4(c) when, after she had asserted a claim for $24 million in attorney fees, she misrepresented to a judge that she had not done so; in aggravation, we noted that the attorney had engaged in multiple acts of misconduct and lacked insight and recognition of her wrongdoing, ignored court orders, and "wasted substantial financial and temporal resources of the courts and her adversary"); In re Wysoker, 170 N.J. 7 (2001) (three-month suspension imposed on attorney who, for convenience, filed 1,000 workers' compensation petitions with incorrect petitioner addresses so that all firm matters would be located in one venue, violations of RPC 3.3(a)(1) and RPC 8.4(c) and (d)); In re

Yacavino, 184 N.J. 389 (2005) (six-month suspension imposed on attorney who was a plaintiff in four civil actions arising out of family and business disputes between him and his wife's relatives; he violated RPC 8.4(d), by filing multiple complaints that re-asserted the same claims that already had been dismissed, thus taxing the court's resources; the attorney also violated RPC 3.1 (frivolous claims) and RPC 3.2 (failure to expedite litigation), by repeatedly filing the same claims after the court had dismissed them on their merits; mitigating factors included the attorney's unblemished forty-year career; the "emotionally-charged" nature of the claims; the fact that he obtained summary judgment on some of his claims; the absence of harm to the client; his perception that the trial court had denied him critical discovery; and the fact that he was not motivated by venality but, rather, by a belief that he was right); In re Nash, 232 N.J. 362 (2018) (two-year suspension imposed on attorney who, over a nine-year period, engaged in a course of contempt and defying court orders; in 2001, the attorney entered into a lease agreement for a property owned by her, her sister and their mother, and then refused to deliver possession of the property to the tenant; when the tenant sued for breach of contract, in 2002, the attorney represented the family entity; when default was entered against the entity, the attorney, as defendant and lawyer, refused to comply with that order; even after a court found

the entity in contempt of the order, the entity still failed to turn over possession of the property, resulting in the accumulation of $22,000 in fines and the entry of a $44,200 judgment; when the property was scheduled for sheriff's sale, in 2003, the attorney prepared and recorded a deed by which the entity conveyed the property to a holding company; thereafter, she commenced the sheriff's sale action to block the loss of the property, which the trial court denied, described as a "thinly veiled attempt to frustrate the operation of law and the orders of this court," and imposed a $7,500 sanction on the entity for its "willful and unprincipled attempt to frustrate the orders of this court;" in 2004, the tenant filed a fraudulent conveyance action against the entity, respondent, and her family; in 2007, the tenant was granted summary judgment and obtained a $203,280 judgment; meanwhile, in June 2004, the attorney's mother obtained a $1 million credit-line mortgage, drew down $675,000, and defaulted on the obligation; in 2006, after the mortgagee instituted the foreclosure action, and the holding company's motion to dismiss was denied, the attorney proceeded to move for re-argument four times in a four-year period, resulting in the imposition of yet additional sanctions; in 2010, during the course of an appeal in one of the litigated matters, the attorney was sanctioned again, in the amount of $500, for making harassing and malicious statements about another party's

lawyer, who apparently was suffering from a serious illness; finally, sometime in 2011, the tenant served subpoenas on the entity and the attorney in the fraudulent conveyance action; no one appeared, forcing the tenant to file another motion to show cause for contempt, which the court granted, but then gave the attorney two months to "purge" it; in aggravation, the attorney refused to acknowledge her wrongdoing and showed no remorse); and In re Delgado-Shafer, 210 N.J. 127 (2012) (three-year suspension imposed on attorney who, among other things, failed to appear for a court-ordered deposition in a civil action filed against her, filed six deficient bankruptcy petitions for the sole purpose of delaying prosecution of the civil action and filed a motion to dismiss the civil action based on an order for judgment, which she knew had been vacated; the attorney also failed to file an affidavit of compliance with R. 1:20-20 following a previous suspension; failed to submit a written reply to the grievance, and made a misrepresentation to the court; significant disciplinary history comprising a one- and two-year suspension).

Here, in the state and federal court actions, respondent did little more than sign complaints, despite not having been admitted to the relevant bars. His inaction, which neither Judge Walls nor Judge Fall distinguished from Levasseur's blatant misconduct, caused a tremendous, demonstrable burden on

both the federal and state courts, which were required to entertain multiple motions to dismiss without prejudice. Respondent's failure to submit opposition to any of those motions further led to the filing of multiple motions to dismiss with prejudice, which similarly were unopposed and which required the courts' attention. Further, among others, respondent brazenly disregarded a court order in the Lighthouse Point action. Respondent even ignored Judge Walls' order to show cause, which resulted in the imposition of sanctions. In the end, Judge Walls described respondent's neglect as "ongoing and pervasive."

Judge Fall's court suffered similar disruption, involving eighty-three cases, which had been "the subject of repetitive applications to the court by defense counsel for failure to respond to discovery requests," ultimately leading to an order to show cause and the imposition of sanctions.

The egregious waste of judicial resources on the part of respondent cannot be countenanced. Respondent's expression of remorse at oral argument was undercut by his attempt to deflect responsibility by placing the blame on Levasseur while minimizing his own conduct as "technical" and de minimis. In our view, a three-month suspension would be justified, based on (1) the number of cases in which respondent knowingly signed his name to complaints, while not a member of the bar; (2) the number of state and federal court actions in

which orders were ignored and judges' dockets were unduly burdened by motions to dismiss without prejudice that never should have been filed; (3) the resulting additional motions to dismiss with prejudice because respondent took no action; and (4) the necessity for the judges to enter orders to show cause, followed by sanctions.

In addition, we consider the harm to the Voss firm's clients. As Judge Fall observed in the state court actions, they were denied "proper and appropriate representation;" their complaints were dismissed, through no fault of their own; and they were wholly unaware of the dismissals and their right to obtain different counsel. Although only one case was at issue in the federal court matter – the Lighthouse Point matter – the Voss firm's refusal to permit an inspection of the property, even after the court had ordered that an inspection take place, resulted in the dismissal of the client's case and the imposition of sanctions on the client and the attorneys. The court withdrew the sanctions as to Lighthouse Point only after further reflection.

Judge Walls' opinion was issued in respect of the Lighthouse Point matter, but he made repeated references to respondent's conduct in multiple matters, which included filing hundreds of complaints without first conducting a proper investigation and failing to file written opposition to motions to dismiss.

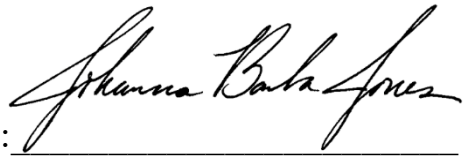
Juxtaposed against these disturbing facts are two mitigating factors, which we find to be significant. First, both Judge Walls and Judge Fall imposed sanctions on respondent and Levasseur for their conduct in the federal and state court actions. Second, we give great weight to the four-and-a-half-year passage of time since Judge Fall's referral. See, e.g., In the Matter of Robert B. Davis, 230 N.J. 385 (2017) (imposing significantly lesser discipline than otherwise warranted because, as stated in the Order, there was "extraordinary delay in initiating disciplinary proceedings").

On balance, we determine that, for respondent's violations of RPC 1.3, RPC 1.4(b), RPC 5.5(a)(1), and RPC 8.4(d), a censure is the quantum of discipline necessary to protect the public and preserve confidence in the bar.

Vice-Chair Gallipoli and Members Singer and Zmirich voted to impose a three-month suspension. Member Joseph was recused.

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
Bruce W. Clark, Chair



By: _____
Johanna Barba Jones
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

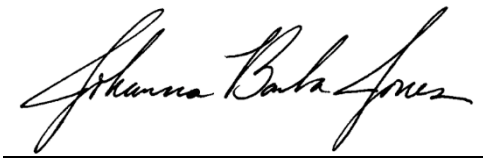
In the Matter of Scott Garyt Hunziker
Docket No. DRB 20-166

Argued: November 19, 2020

Decided: March 31, 2021

Disposition: Censure

Members	Censure	Three-Month Suspension	Recused	Did Not Participate
Clark	X			
Gallipoli		X		
Boyer	X			
Hoberman	X			
Joseph			X	
Petrou	X			
Rivera	X			
Singer		X		
Zmirich		X		
Total:	5	3	1	0



Johanna Barba Jones
Chief Counsel