Supreme Court of New Jersey
Disciplinary Review Board
Docket No. DRB 20-239
District Docket No. XIV-2019-0436E

In the Matter of

Robert Geoffrey Broderick

An Attorney at Law

Decision

Argued: March 18, 2021

Decided: June 2, 2021

Hillary K. Horton appeared on behalf of the Office of Attorney Ethics.

Respondent did not appear, despite proper notice.

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

This matter was before us on a motion for reciprocal discipline filed by the Office of Attorney Ethics (OAE), pursuant to R. 1:20-14(a), following respondent's October 26, 2017 disbarment by consent in the District of Columbia (D.C.). The OAE asserted that respondent is guilty of violating the New Jersey equivalents of RPC 8.1(a) (knowingly making a false statement of

material fact in connection with a bar admission application or in connection with a disciplinary matter) and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation).

For the reasons set forth below, we determine to grant the motion for reciprocal discipline and impose a deferred, one-year suspension.

Respondent was admitted to the New Jersey and Connecticut bars in 2010 and to the D.C. bar in 2011. On February 28, 2018, he retired from the practice of law in New Jersey and currently resides in California.

On November 2, 2018, the Court censured respondent for his violation of RPC 1.17(c)(2) (improper sale of a law office) and RPC 8.4(c). In re Broderick, 235 N.J. 419 (2018). On July 27, 2018, as a matter of reciprocal discipline, the Supreme Court of Connecticut disbarred respondent.

On or about October 26, 2016, the Disciplinary Counsel for the D.C. Court of Appeals Board on Professional Responsibility (the D.C. Board) filed a petition instituting formal disciplinary charges against respondent. The petition charged respondent with having violated D.C. RPC 8.1(a) (three instances – making a knowingly false statement of material fact in connection with a Bar admission application) and D.C. RPC 8.4(c) (three instances – engaging in conduct involving dishonesty, fraud, deceit or misrepresentation).

The first count of the petition concerned respondent's December 29, 2013 online completion of the Washington State Bar application. Respondent falsely answered five questions on that application.

First, when asked if he had ever filed a petition for bankruptcy, respondent answered "no," despite the fact that, on December 10, 1998 and May 28, 2002, he had previously filed bankruptcy petitions in the United States Bankruptcy Court for the Eastern District of New York.

Next, when asked if he had ever been the subject of any prior or pending charges, complaints, or formal or informal grievances concerning his conduct as an attorney, respondent answered "no." However, on August 9, 2012, the State Bar of California (the California Bar) had sent respondent a letter (1) informing him that he had engaged in the unauthorized practice of law, and (2) directing him to cease and desist representing himself as authorized to practice in that state. Further, on August 17, 2012, the D.C. disciplinary authorities had sent respondent a letter indicating that it had opened an investigation based on the California cease and desist letter. Likewise, the Connecticut Grievance Committee sent respondent the following letters: (1) a July 2012 letter informing him of a complaint initiated against him due to overdrafts in his trust account; (2) a November 2, 2012 letter informing him of a complaint initiated against him in connection with "Cal West Law;" and (3) a December 15, 2012 letter

informing him of a complaint initiated against him based on the California cease and desist letter for his unauthorized practice of law. Respondent had notice of the complaints, which he eventually resolved.

Respondent also falsely answered "no" on the Washington State Bar application question regarding whether he had ever been named as a party to a civil action. In April 13, 2012, respondent's law firm, Resolution Law Group, had been named as a defendant in a federal civil action (the First Mariner Bank lawsuit) in the United States District Court for the District of Maryland, and respondent was later named as an individual defendant. On September 7, 2012, respondent's counsel filed a motion to dismiss the complaint, but the lawsuit was ongoing at the time of respondent's Washington State Bar application.

Additionally, when asked whether sanctions had ever been entered against him, respondent answered "no." However, on October 24, 2013, a United States Magistrate Judge imposed sanctions against respondent and Resolution Law Group for discovery misconduct in connection with the First Mariner Bank lawsuit.

When asked if he had ever had a complaint or action initiated against him in an administrative forum, respondent answered "no," notwithstanding that his corporation, Legality Shield, had been investigated by the Oregon Department of Consumer and Business Services for acting as a mortgage broker and

engaging in debt management without authorization. In June 2013, respondent had signed a consent order to cease and desist, after that agency found that he had violated Oregon law.

In completing the Washington State Bar application, respondent certified that he would update the bar admission department, in writing, regarding any changes between the date of the application and the date of admission to the Washington State Bar. However, on July 29, 2014, the Attorneys General for Connecticut and Florida initiated suit against respondent and Resolution Law Group for unfair trade practices, fraud, and civil theft. On August 4, 2014, respondent waived service, but failed to disclose the suit to the Washington State Bar authorities until after the Washington State Bar Association raised the issue.

Therefore, for falsely answering the above questions on the Washington State Bar application, the D.C. Board charged respondent with having violated D.C. RPC 8.1(a) and D.C. RPC 8.4(c).

The second count of the complaint concerned respondent's answers to his online application to the California Bar, which he submitted on November 24, 2010. The application questioned whether respondent had filed bankruptcy petitions, and although respondent disclosed the 2002 bankruptcy petition, he failed to disclose the 1998 bankruptcy petition.

On October 30, 2012, the California Bar sent respondent a letter and attached a questionnaire reminding him, as a bar applicant, to update the moral character application with any changes, and to otherwise file an annual update. Respondent completed the questionnaire and declared under penalty of perjury that the answers were true and correct. Nevertheless, respondent falsely answered that he had not been a party to a civil or administrative proceeding, although he had been named a defendant in the aforementioned First Mariner Bank lawsuit.

In response to the questionnaire inquiry regarding whether respondent had been subject to charges, complaints, or grievances concerning his conduct as a member of a business, trade, or profession, since his bar application, respondent answered "no," despite having received the California cease and desist letter, and the notices of the ethics complaints from the Connecticut disciplinary authorities and the D.C. Office of Bar Counsel.

Further, respondent replied "no" to the question of whether he had any changes to his previously submitted responses to his application on moral character, and failed to disclose that he had applied to and, on November 4, 2011, had been admitted to, the D.C. bar.

On June 8, 2014, respondent submitted to the California Bar a signed application for an Extension of Determination of Moral Character. Although the

application required a list of the applicant's current and prior self-employment, respondent failed to disclose his relationship with Cal West Law or his other legal group affiliations. Additionally, after that June 8, 2014 application submission, respondent falsely stated that he had "nothing new to report" concerning prior and pending charges, complaints, and civil or administrative proceedings, and thereby failed to update his application submission and to disclose the disciplinary complaints from Connecticut, the Attorneys General lawsuits in Florida and Connecticut, and the Oregon cease and desist consent order, until the issues were raised by the California Bar.

Therefore, by falsely answering the above questions on the California State Bar application, the D.C. Board charged respondent with having violated D.C. RPC 8.1(a) and D.C. RPC 8.4(c).

The third count of the complaint charged respondent with making false representations to the D.C. Disciplinary Counsel. Specifically, on February 23, 2016, respondent sent a letter to the D.C. Disciplinary Counsel stating that there have been no bar sanctions or findings of misconduct against him, no history of discipline, and no other matters besides the April 2012 First Mariner Bank lawsuit and the lawsuits of the Attorneys General. However, that statement was false because, in February 2016, respondent had submitted an affidavit in the Connecticut disciplinary case admitting to having violated Connecticut RPCs

1.17(c)(1), 1.17(c)(2), and 8.4(3). Thus, because respondent knowingly made false statements in connection with a disciplinary matter, the D.C. Board charged respondent with violating D.C. RPC 8.1(a) and D.C. RPC 8.4(c).

On August 23, 2017, respondent filed an Affidavit of Consent to Disbarment with the D.C. Board, wherein he acknowledged that the facts upon which the D.C. disciplinary charges were predicated were true. On September 20, 2017, the D.C. Board issued a report recommending to the D.C. Court of Appeals that respondent be disbarred. On October 26, 2017, the D.C. Court of Appeals executed an order disbarring respondent.

The OAE noted that respondent's disciplinary history constituted an aggravating factor, and his cooperation in executing a full authorization and release of his D.C. disciplinary action permitting the OAE to expedite this matter constituted a mitigating factor. Based on prior case law, the OAE argued that the proper quantum of discipline in this matter was in the range of a one- to two-year suspension.

Following a review of the record, we determine to grant the OAE's motion for reciprocal discipline. Pursuant to R. 1:20-14(a)(5), "a final adjudication in another court, agency or tribunal, that an attorney admitted to practice in this state . . . is guilty of unethical conduct in another jurisdiction . . . shall establish conclusively the facts on which it rests for purposes of a disciplinary proceeding

in this state." Thus, with respect to motions for reciprocal discipline, "[t]he sole issue to be determined . . . shall be the extent of final discipline to be imposed." R. 1:20-14(b)(3).

As in New Jersey, in the District of Columbia "the burden of proving the [disciplinary] charges rests with Bar Counsel and factual findings must be supported by clear and convincing evidence." In re Williams, 464 A.2d 115, 119 (D.C. 1983); see also In re Mitchell, 727 A.2d 308, 313 (D.C. 1999) ("It is Bar Counsel's burden to establish by clear and convincing evidence that respondent violated the Rules of Professional Conduct.").

Notably, the D.C. Court of Appeals accepted respondent's affidavit to consent to disbarment from the D.C. bar. Pursuant to D.C.'s Rules of the District of Columbia Court of Appeals Governing the Bar of the District of Columbia, respondent admitted that the material facts, upon which allegations of misconduct were predicated, were true.

Reciprocal discipline proceedings in New Jersey are governed by R. 1:20-14(a)(4), which provides in pertinent part:

> The Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record on which the discipline in another jurisdiction was predicated that it clearly appears that:
>
> (A) the disciplinary or disability order of the foreign jurisdiction was not entered;

> (B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;
>
> (C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;
>
> (D) the procedure followed in the foreign disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
>
> (E) the unethical conduct established warrants substantially different discipline.

Subsection (E) applies in this matter because the unethical conduct warrants substantially different discipline. Based on New Jersey disciplinary precedent, we determine to grant the OAE's motion for reciprocal discipline and to impose a deferred, one-year suspension.

Specifically, respondent violated RPC 8.1(a) and RPC 8.4(c) by falsely replying to questions posed by the Washington State and California Bar authorities, including failing to disclose certain legal, administrative, and disciplinary actions. Regarding the Washington State Bar authorities, respondent failed to disclose that he had filed bankruptcy petitions; that he had been subject to an ethics investigation in D.C.; that he had been a party in the April 2012 First Mariner Bank lawsuit; that sanctions had been imposed on him for discovery violations; and that the Oregon Department of Consumer Services had investigated his company.

Regarding the California Bar authorities, respondent failed to disclose one of his two bankruptcy petitions; the April 2012 First Mariner Bank lawsuit; the ethics investigations in D.C. and Connecticut; his admission to the D.C. Bar; certain business relationships; and the Attorneys General suits in Florida and Connecticut.

Finally, regarding the D.C. discipline authorities, respondent failed to disclose his admission to the Connecticut ethics violations. These omissions and false statements constituted conduct involving dishonesty and misrepresentation.

In sum, we find that respondent violated RPC 8.1(a) (three instances) and RPC 8.4(c) (three instances). The sole issue left for determination is the proper quantum of discipline for respondent's violations.

Although the D.C. Court of Appeals disbarred respondent by consent, the OAE recommended a one- to two-year suspension for his violations of the New Jersey Rules of Professional Conduct.

The discipline for conduct involving false statements in connection with bar admissions ranges from a reprimand to a suspension, depending on the severity of the misconduct and the presence of other rule violations or aggravating factors. See, e.g., In re Thyne, 214 N.J. 107 (2013) (reprimand for attorney who failed to disclose on his application for admission to the United

States Court of Appeals for the Second Circuit that he was no longer in good standing in Minnesota; prior reprimand); In re King, 197 N.J. 499 (2009) (reprimand for attorney who failed to disclose to Pennsylvania bar authorities that he had been arrested as a teenager; in mitigation, attorney cooperated fully with ethics authorities, lost a lucrative job at a prestigious law firm, and evidenced sincere remorse); In re Tan, 188 N.J. 389 (2006) (reprimand for attorney who falsely represented to the New Jersey Board of Bar Examiners that he had achieved a bachelor's degree when he was one course shy of doing so; he also graduated from law school without disclosing the deficiency; extreme mitigating factors were his and his fiancée's medical problems while in college, which prevented him from successfully completing the course, his attempt to remedy the problem on two occasions; his eventual completion of the course work; his status as the sole support for his family; the passage of eight years since the misconduct; his acceptance of full responsibility for his misconduct; and the character witness attestations to his reputation for truthfulness, honesty and compassion, and his services to the Filipino community); In re Duke, 207 N.J. 37 (2011) (censure for attorney who failed to disclose to the Board of Immigration Appeals that he had been disbarred in New York, deposited his fee in his personal bank account, rather than in his business or trust account, failed to communicate with his client by not providing the client with copies of his

submissions to the Board of Immigration Appeals, and failed to return his client's numerous phone calls; prior reprimand); In re Solvibile, 156 N.J. 321 (1998) (six-month suspension for attorney who passed the Pennsylvania bar examination after three attempts, but whose application to the Pennsylvania bar was returned because it was received after the filing deadline; the attorney then misrepresented to the Pennsylvania Board of Law Examiners that the money order accompanying the application was misdated and that the application had been mailed prior to the closing deadline and also engaged the assistance of others to substantiate the misrepresentation; when her misrepresentations came to light, she admitted her actions); In re Guilday, 134 N.J. 219 (1993) (six-month suspension for attorney who failed to disclose on his bar admission application that, beginning when he was seventeen years old until he was twenty-seven, he had been arrested five times for driving while under the influence of alcohol and once for disorderly conduct; his misconduct came to light when he applied for admission to the Delaware bar; shortly before a hearing before Delaware authorities, the attorney notified the New Jersey Board of Bar Examiners of his prior arrests); In re Bernardino, 198 N.J. 377 (2009) (three-year suspension for attorney following a motion for reciprocal discipline in which disciplinary authorities determined that the attorney failed to disclose in his application to practice before the United States Patent and Trademark Office that he was under

criminal and disciplinary investigation for conduct with respect to his former employer, who had terminated him for dishonest conduct); In re Gouiran, 130 N.J. 96 (1992) (attorney's revocation of his license was stayed for failing to disclose disciplinary proceedings in connection with his real estate broker's license by misrepresenting in his certified statement of candidate that he had not been a party to any civil proceeding, that he had not been disciplined as a member of any profession, and that disciplinary proceedings had not been filed against him; at the ethics hearing, the attorney explained that, because he had read the questions narrowly, he had answered them in good faith, adding that he would answer them differently now; the Court revoked his license, but stayed the revocation to permit the attorney to reapply for admission; the stay was based on the significant passage of time (eight years) since the attorney had applied for bar admission, the attorney's recognition of his mistake, and his current awareness of a lawyer's duty of candor).

The OAE argued that respondent's conduct was most in line with that in Bernardino (three-year suspension), where the attorney failed to disclose that he was under criminal and disciplinary investigation regarding conduct toward his former employer. However, the OAE acknowledged that Bernardino's conduct was more serious and deceitful because it included a criminal investigation. The

OAE emphasized that respondent made significant misrepresentations to bar authorities in two states: Washington and California.

Here, respondent's misconduct is more severe than the conduct for which attorneys have received reprimands and censures. He falsely answered several questions on two bar applications and failed to disclose updated information as required by the bar authorities. He also made false statements to the D.C. disciplinary authorities. In that regard, as respondent's misconduct concerns numerous false answers on two state bar examinations, concerning several reportable incidents, and his withholding of the information appears to be more intentional than mere oversight, a term of suspension is appropriate.

In aggravation, respondent has a prior censure. In mitigation, respondent cooperated with the OAE and signed a release and waiver of confidentiality concerning his D.C. disciplinary action, allowing the OAE to expedite this matter. Respondent has been retired from the practice of law in New Jersey since 2018, and his misconduct, though serious, has not caused harm to any clients.

On balance, we determine that a one-year suspension is sufficient discipline to protect the public and preserve confidence in the bar. Considering respondent's retired status, the term of suspension will be deferred and served when and if respondent seeks to resume the practice of law in New Jersey.

Vice-Chair Gallipoli and Members Petrou, Rivera, and Zmirich voted to recommend to the Court that respondent be disbarred.

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

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Robert Geoffrey Broderick
Docket No. DRB 20-239

Argued: March 18, 2021

Decided: June 2, 2021

Disposition: Deferred, one-year suspension

Members	Deferred, one-year suspension	Disbar
Clark	X	
Gallipoli		X
Boyer	X	
Hoberman	X	
Joseph	X	
Petrou		X
Rivera		X
Singer	X	
Zmirich		X
Total:	5	4

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