

SUPREME COURT OF NEW JERSEY
D-9 September Term 2021

086266

In the Matter of

David Jay Bernstein,

An Attorney At Law

(Attorney No. 027741984)

:
:
:
:
:
:

FILED

JAN - 3 2022

Heather J. Salen
CLERK

ORDER

The Disciplinary Review Board having filed with the Court its decision in DRB 21-011, recommending that as a matter of reciprocal discipline pursuant to Rule 1:20-14(a), **David Jay Bernstein of Coconut Creek, Florida**, who was admitted to the bar of this State in 1984, be disbarred based on discipline imposed in Florida for unethical conduct that in New Jersey constitutes violations of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to communicate with client), RPC 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions), RPC 1.4(d) (failure to advise a client of the limitations of the lawyer's conduct, when a client expects assistance not permitted by the Rules), RPC 1.5(a)(unreasonable fee), RPC 3.3(a)(1)(false statement of material fact to a tribunal), RPC 4.1(a)(1) (false statement of fact or law to a third person), RPC 5.5(a)(1) (unauthorized practice of law), RPC 8.4(b) (commission of a criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or

fitness as a lawyer), RPC 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation), and RPC 8.4(d)(conduct prejudicial to the administration of justice);

And the Disciplinary Review Board having also determined that respondent should be required to refund the fees paid by his clients in the Allen and Joshua matters;

And **David Jay Bernstein** having been ordered to show cause why he should not be disbarred or otherwise disciplined;

And the Court having determined that a two-year suspension from the practice of law, together with the requirement of restitution to his clients and proof of fitness to practice law prior to reinstatement, is the appropriate quantum of discipline for respondent's unethical conduct;

And good cause appearing;

It is ORDERED that **David Jay Bernstein** be suspended from the practice of law for a period of two years, and until the further Order of the Court, effective immediately; and it is further

ORDERED that **David Jay Bernstein** provide proof to the Office of Attorney Ethics within thirty days after the filing date of this Order that he has paid the restitution to his clients in the Allen and Joshua matters; and it is further

ORDERED that prior to his reinstatement to practice, respondent

provide proof of his fitness to practice as attested to by a professional or professionals approved by the Office of Attorney Ethics; and it is further

ORDERED that **David Jay Bernstein** comply with Rule 1:20-20 dealing with suspended attorneys; and it is further

ORDERED that pursuant to Rule 1:20-20(c), respondent's failure to comply with the Affidavit of Compliance requirement of Rule 1:20-20(b)(15) may (1) preclude the Disciplinary Review Board from considering respondent's petition for reinstatement for a period of up to six months from the date respondent files proof of compliance; (2) be found to constitute a violation of RPC 8.1(b) and RPC 8.4(d); and (3) provide a basis for an action for contempt pursuant to Rule 1:10-2; and it is further

ORDERED that the entire record of this matter be made a permanent part of respondent's file as an attorney at law of this State; and it is further

ORDERED that respondent reimburse the Disciplinary Oversight Committee for appropriate administrative costs and actual expenses incurred in the prosecution of this matter, as provided in Rule 1:20-17.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this 3rd day of January, 2022.



CLERK OF THE SUPREME COURT