


SUPREME COURT OF NEW JERSEY
D-6 September Term 2021
086250

In the Matter of :
 :
Keith Michael McWhirk, : **FILED** :
 : **ORDER** :
An Attorney At Law : **MAR 17 2022** :
 :  :
(Attorney No. 011621997) : **CLERK** :
 :

The Disciplinary Review Board having filed with the Court its decision in DRB 21-027, concluding that as a matter of reciprocal discipline pursuant to Rule 1:20-14(a)(4), **Keith Michael McWhirk** of **Bordentown**, who was admitted to the bar of this State in 1997, and who has been temporarily suspended from practice, by consent, since April 28, 2016, should be suspended from the practice of law for a period of four years based on discipline imposed in the Commonwealth of Pennsylvania for multiple instances of unethical conduct that in New Jersey is in violation of RPC 1.1(a) (gross neglect), RPC 1.1 (b) (pattern of neglect), RPC 1.2(a) (failing to abide by client’s decisions concerning the scope and objectives of the representation), 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 about the representation), RPC 1.15(a) (commingling of funds), RPC 4.1(a) (making a false statement of material fact or law to a third person), RPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer’s honesty,

trustworthiness or fitness as a lawyer), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation);

And the Disciplinary Review Board having further determined that respondent should be required to: (1) provide to the Office of Attorney Ethics proof of his continuing psychiatric treatment, (2) prior to reinstatement to practice, provide proof of his fitness to practice law, and (3) following reinstatement to practice, practice under the supervision of a practicing attorney approved by the Office of Attorney Ethics for a period of at least two years;

And good cause appearing;

It is ORDERED that **Keith Michael McWhirk** is suspended from the practice of law for a period of four years, retroactive to April 28, 2016, and until the further Order of the Court; and it is further

ORDERED that **Keith Michael McWhirk** provide to the Office of Attorney Ethics within sixty days after the date of this Order proof that he is engaged in ongoing psychiatric treatment; and it is further

ORDERED that prior to his reinstatement to the practice of law, respondent shall provide proof of his fitness to practice as attested to by a mental health professional approved by the Office of Attorney Ethics; and it is further

ORDERED that following his reinstatement to practice, respondent shall practice under the supervision of a practicing attorney approved by the Office of Attorney Ethics for a period of two years and until the further Order of the Court; and it is further

ORDERED that respondent 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
8th day of March, 2022.

A handwritten signature in black ink, appearing to read "Heather J. Baker". The signature is fluid and cursive, with a large initial "H" and "B".

CLERK OF THE SUPREME COURT