

Supreme Court of New Jersey
Disciplinary Review Board
Docket No. DRB 22-207
District Docket No. XIV-2021-0379E

In the Matter of
Milena Mladenovich
An Attorney at Law

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Decision

Argued: February 16, 2023

Decided: May 1, 2023

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 final discipline filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-13(c)(2), following respondent's guilty plea and convictions, in the Court of Common Pleas of Philadelphia County, Pennsylvania, for first-degree misdemeanor terroristic

threats, in violation of 18 Pa. C.S. § 2706(a)(1), and third-degree misdemeanor harassment, in violation of 18 Pa. C.S. § 2709(a)(4). The OAE asserted that these offenses constitute a violation of 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(d) (engaging in conduct prejudicial to the administration of justice).

For the reasons set forth below, we determine to grant the motion for final discipline and conclude that a one-year suspension, with conditions, is the appropriate quantum of discipline for respondent's misconduct.

Respondent earned admission to the New Jersey and Pennsylvania bars in 2010. Although she did not maintain a practice of law, she previously was employed, during an undisclosed period, as a document review attorney.

Effective November 14, 2022, the Court suspended respondent for three months following her September 2020 guilty plea and convictions, in the Court of Common Pleas of Philadelphia County, Pennsylvania, for first-degree misdemeanor terroristic threats, in violation of 18 Pa. C.S. § 2706(a)(1), and first-degree misdemeanor stalking, in violation of 18 Pa. C.S. § 2709.1(a)(1). In re Mladenovich, __ N.J. __ (2022), 2022 N.J. LEXIS 1109 (Mladenovich I).

In Mladenovich I, between October and November 2019, respondent repeatedly threatened her former psychiatrist by sending at least seventeen

voicemail messages and numerous text messages containing threatening and anti-Semitic language. In the Matter of Milena Mladenovich, DRB 21-200 (March 11, 2022) at 22. The messages included death threats that respondent would “bury” the psychiatrist with her “bare hands” and “end” her with a firearm. Ibid. To emphasize the threat, respondent sent the psychiatrist a picture of a gun above a religious text. Ibid. Respondent’s alarming messages caused significant emotional distress to the psychiatrist, who previously had been victim to respondent’s stalking and threatening behavior. Ibid. On September 17, 2020, following respondent’s guilty plea, the Court of Common Pleas of Philadelphia County sentenced her to a seven-year term of supervised probation and required her to have no contact with the psychiatrist, to possess no firearms, and to continue her mental health treatment under the supervision of the Philadelphia District Attorney’s Office. Id. at 7.

In determining that a three-month suspension was the appropriate quantum of discipline, we found that respondent’s conduct lasted several weeks, disparaged the psychiatrist’s Jewish faith, and caused the psychiatrist severe emotional distress to the point where she was afraid to leave her home. Id. at 23-24. Additionally, we weighed, in aggravation, respondent’s failure to notify the OAE of her criminal charges, as R. 1:20-13(a)(1) requires. Id. at 23. We also weighed, in aggravation, respondent’s unrelated, 2019 Pennsylvania

conviction for driving while intoxicated (DWI). Id. at 23-24. In mitigation, we found that respondent's conduct may partly have been the result of her mental health struggles. Id. at 24.

Based on respondent's invocation of her mental health as an explanation for her misconduct, we required her to provide to the OAE, prior to reinstatement, proof of fitness to practice law as attested to by a medical doctor approved by the OAE. Id. at 24-25. Moreover, because of her history with alcohol abuse and the egregious level of her blood alcohol content at the time of her DWI, we required her to enroll in an OAE-approved alcohol treatment program and to submit proof of attendance to the OAE, on a quarterly basis, for at least two years. Id. at 25. The Court agreed and imposed the same conditions.

Effective April 1, 2022, the Supreme Court of Pennsylvania suspended respondent for three years in connection with (1) her criminal conduct underlying Mladenovich I and (2) her criminal conduct underlying the instant matter. Office of Disciplinary Counsel v. Mladenovich, 2022 Pa. LEXIS 395 (2022).

We now turn to the facts of this matter.

On February 18, 2021, five months into her seven-year term of supervised probation in Mladenovich I, respondent called her former

psychiatrist – the same victim whom she repeatedly had threatened in that matter – and left her three threatening voicemail messages.

Specifically, at 4:30 a.m., respondent left her first voicemail message, during which she warned the psychiatrist “[d]o not give [my] kids anymore medication or I will f*\$king kill you.”¹ Respondent then accused the psychiatrist of prescribing her children “too many medications” and warned that, if the psychiatrist did not “stay away from me, my kids will f*\$king kill you!” Respondent then alleged that her child had committed suicide because of medications that the psychiatrist had prescribed. Finally, respondent called the psychiatrist a “stupid f*\$king b*%ch” and warned that the psychiatrist would lose her medical license.

At 4:57 a.m., respondent left her second voicemail message, during which she warned the psychiatrist that she was “bi-polar” and that she was going to “personally take” her medical license. Respondent reiterated that her child had committed suicide because of the psychiatrist. Respondent then warned the psychiatrist to “stay away” and that “if you don’t withdraw that

¹ Based on the record before us, respondent does not have any children and her former psychiatrist does not treat any children as part of her practice.

sentence, I will murder you!”²

At 5:10 a.m., respondent left her third and final voicemail message, during which she shouted obscenities at the psychiatrist and mentioned various medication that the psychiatrist had prescribed to her children. Respondent then told the psychiatrist that she “didn’t do anything to be on probation.”

On February 18, 2021, after listening to portions of respondent’s voicemail messages, the psychiatrist became “terrified” and contacted the Philadelphia Police Department to report the incident. The psychiatrist notified the police that respondent’s “stalking and harassment” had been ongoing since 2017 and had affected her personal and professional life. The psychiatrist also advised the police that she had “missed work because of these incidents” and was afraid to leave her home out of fear that respondent may be nearby.

On June 17, 2021, the Commonwealth of Pennsylvania formally charged respondent with third-degree felony retaliation against a witness, in violation of 18 Pa. C.S. § 4953(a) (count one); first-degree misdemeanor terroristic threats, in violation of 18 Pa. C.S. § 2706(a)(1) (count two); and third-degree misdemeanor harassment, in violation of 18 Pa. C.S. § 2709(a)(4) (count

² During respondent’s September 23, 2021 plea hearing, the Commonwealth established that the “sentence” respondent referred to in her second voicemail message was her seven-year sentence of probation from Mladenovich I.

three).

On September 23, 2021, respondent appeared in the Court of Common Pleas of Philadelphia County and pleaded guilty to first-degree misdemeanor terroristic threats and third-degree misdemeanor harassment. During the plea hearing, Philadelphia County Court of Common Pleas Judge Stephanie J. Sawyer prohibited respondent from engaging in any further contact with the psychiatrist or her family. Additionally, Judge Sawyer ordered respondent released from jail, on the condition that she be placed on house arrest, to allow her to more effectively engage in required mental health treatment. Finally, Judge Sawyer ordered respondent to appear for sentencing on November 18, 2021.

Meanwhile, on September 23, 2021, the Office of Board Counsel (the OBC) sent respondent and the OAE a letter, informing the parties that oral argument in Mladenovich I had been scheduled for our November 18, 2021 session. On November 1, 2021, respondent sent the OBC an e-mail, noting that she could not appear for our November 18, 2021 session because she was scheduled to be sentenced, on that same day, in connection with her September 2021 convictions for first-degree misdemeanor terroristic threats and third-degree misdemeanor harassment. Thereafter, on November 1, 2021, the OBC sent respondent and the OAE a letter, requesting that respondent provide

additional details regarding the nature of the offenses for which she was to be sentenced.

On November 4 and 5, 2021, respondent sent the OAE e-mails stating that she had sustained “new criminal charges for which I am awaiting sentencing on November 18, [2021.]” Respondent apologized for not “properly notif[ying]” the OAE of her new criminal offenses, as R. 1:20-13(a)(1) requires, and claimed that she had been “just overwhelmed with everything.”

On November 5, 2021, we adjourned oral argument in Mladenovich I to our January 2022 session.

On November 18, 2021, respondent appeared for sentencing before Judge Sawyer in connection with her September 2021 convictions for first-degree misdemeanor terroristic threats and third-degree misdemeanor harassment. During the sentencing hearing, the psychiatrist testified that she remained terrified of respondent’s repeated threats to her life and respondent’s “vile[,]” “anti[-S]emitic” remarks. The psychiatrist testified that she had “become the object of [respondent’s] illusion” and requested that the court impose the “longest possible stay-away order that I can get.”

In turn, respondent argued to Judge Sawyer that she was not “in the right state of mind” when she had left the psychiatrist the threatening voicemail messages. Respondent also stated that she was “embarrassed” and “extremely

remorseful” for her actions, which may have been the result of a “manic” or a “psychotic” episode from not having been prescribed medications “in the correct form.” Similarly, respondent claimed that “something was going on with her body” and that “something [was] off with [her] medication.” Respondent further claimed that, on February 19, 2021, the day after she had sent the psychiatrist the threatening voicemail messages, she had visited an emergency room because she “was having anxiety attacks.” Moreover, respondent noted that she had been diagnosed with post-traumatic stress disorder; anxiety; depression; intermittent explosive disorder; and bipolar disorder, conditions which she claimed she had continued to treat. Finally, when asked by Judge Sawyer whether she had any support mechanisms in place to prevent any future threats of violence, respondent replied that the “only thing[] that I can do is alert my support system, which [are] my close friends, and family, that if they see me acting strangely to please immediately intervene.”

Judge Sawyer sentenced respondent to a term of imprisonment of between eleven-and-a-half to twenty-three months, with credit for time served, and allowed her to be “immediate[ly] parole[d]” that same day. Judge Sawyer further sentenced respondent to a two-year term of supervised probation with the requirement that she continue her mental health treatment and have no

further contact with the psychiatrist. Additionally, based on her threatening voicemail messages to the psychiatrist, Judge Sawyer found respondent to be in “direct violation” of her seven-year term of supervised probation imposed in Mladenovich I. For violating her probation, Judge Sawyer sentenced respondent to an additional two-year term of supervised probation. In imposing her sentence, Judge Sawyer weighed, in mitigation, the fact that respondent’s mental health “play[ed] a major role” in her criminal conduct, which did not result in any actual violence.

On June 13, 2022, respondent appeared before Judge Sawyer to address a potential violation of her probation. During the hearing, respondent’s probation officer alleged that respondent had failed to adequately comply with her mental health treatment. Specifically, respondent had been “compliant with medication management only” and was not engaged in any “treatment” because of “traumatic reasons that she ha[d] brought up.” The probation officer also maintained that respondent had accused him of “harassing” and “tricking her.” Moreover, the probation officer stated that, when he would send respondent e-mails regarding her upcoming psychiatric appointments, respondent would reply by asking “what kind of doctor [he] was [to] question[] her[.]”

Additionally, the probation officer noted that, on April 12, 2022,

respondent began to copy him on e-mails she was sending to her former employer from a real estate agency. Specifically, respondent's e-mails to her former employer contained anti-Semitic remarks, requested \$40,000 based on her termination of employment, and contained accusations that her former employer had raped her.

During the hearing, respondent's former employer testified that respondent had sent him "very disturbing videos" of "a drill . . . pointing on something similar to a heart and doing something like that. And another one [of] a limb cut off." The former employer also stated that his office had been receiving from respondent dozens of daily "threats," "e-mails," "texts," and "nonstop calls." The former employer claimed that respondent had called him a "f&\$king Jew," had threatened to "beat [him] up," and, on one occasion, had told him that she was "running around [his] house." The former employer claimed that his "entire team were scared to come back."

At the conclusion of the hearing, respondent's counsel stated that he had not yet received copies of respondent's e-mails to her former employer and, thus, requested an adjournment of the hearing. Judge Sawyer granted respondent's adjournment request but ordered that respondent remain in custody pending the outcome of the hearing.

On June 22, 2022, respondent again appeared before Judge Sawyer to

address her potential violation of her probation. At the outset of the hearing, respondent's probation officer stated that, although respondent's former employer had filed a criminal complaint against her, in the Philadelphia County Court of Common Pleas, no formal criminal charges had yet been filed against her based on that conduct. Additionally, respondent's counsel indicated that he had reviewed the copies of respondent's e-mails to her former employer and that respondent, who had remained "in custody" for the past "two months," did not dispute that she had violated the terms of her probation. Judge Sawyer, thus, adjudicated respondent in violation of her probation, ordered her released from custody, and sentenced her to house arrest. Judge Sawyer further required respondent, upon her release from jail, to contact her probation officer to verify that she was engaging in a "mental health regimen." Finally, Judge Sawyer prohibited respondent from engaging in any further contact with her former employer.

The OAE seeks the imposition of final discipline based primarily on respondent's convictions for first-degree misdemeanor terroristic threats, in violation of 18 Pa. C.S. § 2706(a)(1), and third-degree misdemeanor harassment, in violation of 18 Pa. C.S. § 2709(a)(4). Additionally, the OAE argued that we find that respondent violated RPC 8.4(d) by failing to promptly report her criminal charges in this matter, which forced the OAE to file two

motions for final discipline, the first in Mladenovich I and the second in the instant matter, “to the detriment of judiciary” resources.

In support of its position that respondent receive at least a six-month suspension for the totality of her misconduct, the OAE argued that respondent’s threatening behavior has continued in much the same way as it did in Mladenovich I. In that vein, the OAE noted that respondent has demonstrated a pattern of menacing behavior toward her former psychiatrist, having previously stalked and threatened her, in 2017 and 2019. The OAE argued that respondent has, thus, failed to utilize her experiences with the criminal justice system to reform her threatening and anti-Semitic behavior.

The OAE urged, as aggravation, respondent’s failure to promptly report her criminal charges, as R. 1:20-13(a)(1) requires, which failure, in the OAE’s view, was “particularly egregious” because respondent knew of her unreported criminal charges during the OAE’s prosecution of Mladenovich I. The OAE argued that respondent forced the OAE to file “piecemeal” motions to address her criminal conduct and, thus, wasted judicial resources. Additionally, the OAE argued that respondent belatedly reported her criminal charges only “due to the coincidence” that her November 18, 2021 sentencing date for those offenses conflicted with our original oral argument date in Mladenovich I.

The OAE urged, as mitigation, the fact that respondent's misconduct may partly be attributable to her mental health issues. However, as in Mladenovich I, respondent has failed to submit medical documentation establishing a nexus between her mental health issues and her continued tirades against her former psychiatrist, who has continued to suffer emotional distress as a result of respondent's criminal and menacing behavior.

Finally, the OAE requested that, prior to reinstatement, we require respondent to submit proof of fitness to practice law, as attested to by a medical doctor approved by the OAE.

Respondent did not submit a brief for our consideration.

Following a review of the record, we determine to grant the OAE's motion for final discipline. Final discipline proceedings in New Jersey are governed by R. 1:20-13(c). Under that Rule, a criminal conviction is conclusive evidence of guilt in a disciplinary proceeding. R. 1:20-13(c)(1); In re Magid, 139 N.J. 449, 451 (1995); In re Principato, 139 N.J. 456, 460 (1995).

Pursuant to RPC 8.4(b), it is misconduct for an attorney to "commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer." Thus, respondent's guilty plea and convictions for first-degree misdemeanor terroristic threats, in violation of 18 Pa. C.S. §

2706(a)(1), and third-degree misdemeanor harassment, in violation of 18 Pa. C.S. § 2709(a)(4), establish her violation of RPC 8.4(b).

However, we determine to dismiss the charge that respondent violated RPC 8.4(d), based on her failure to promptly report her criminal charges underlying this matter, as R. 1:20-13(a)(1) requires. Although an attorney's failure to promptly report his or her criminal charges constitutes an aggravating factor in determining the appropriate quantum of discipline, we have never found that failure to constitute a per se violation of any RPC. See In re Rohde, ___ N.J. ___ (2022), 2022 N.J. LEXIS 843 (an attorney's failure to report his 2005 conviction for fleeing the scene of an accident constituted an aggravating factor that outweighed the potential for mitigation, even considering the significant passage of time since the underlying offense), and In re Patel, 252 N.J. 62 (2022) (an attorney failed to report his federal securities fraud charges and, instead, resigned, without prejudice, from the New Jersey bar, just days prior to the filing of an information against him; the attorney's attempt to conceal his criminal charges from disciplinary authorities aggravated his already serious criminal conduct).

Moreover, as we have opined, not every violation of a Court Rule "rises to the level of an ethics violation." In the Matter of Sean Lawrence Branigan, DRB 15-067 (Sept. 29, 2015) at 4, so ordered, 223 N.J. 359 (2015).

Based on the foregoing disciplinary precedent, we find that respondent's failure to promptly report her criminal charges does not constitute a violation of RPC 8.4(d). Nevertheless, as detailed below, respondent's failure to comply with her reporting obligations constitutes an aggravating factor in determining the appropriate quantum of discipline for her criminal conduct.

In sum, we find that respondent violated RPC 8.4(b) and dismiss the charge that respondent violated RPC 8.4(d) as inconsistent with disciplinary precedent. The sole issue left for our determination is the proper quantum of discipline for respondent's misconduct. R. 1:20-13(c)(2); Magid, 139 N.J. at 451-52; and Principato, 139 N.J. at 460.

In determining the appropriate measure of discipline, we must consider the interests of the public, the bar, and respondent. "The primary purpose of discipline is not to punish the attorney but to preserve the confidence of the public in the bar." Principato, 139 N.J. at 460 (citations omitted) (emphasis added). Fashioning the appropriate penalty involves a consideration of many factors, including the "nature and severity of the crime, whether the crime is related to the practice of law, and any mitigating factors such as respondent's reputation, [her] prior trustworthy conduct, and general good conduct." In re Lunetta, 118 N.J. 443, 445-46 (1989).

The Court has noted that, although it does not conduct “an independent examination of the underlying facts to ascertain guilt,” it will “consider them relevant to the nature and extent of discipline to be imposed.” Magid, 139 N.J. at 452. In motions for final discipline, it is acceptable to “examine the totality of the circumstances” including the “details of the offense, the background of respondent, and the pre-sentence report” before “reaching a decision as to [the] sanction to be imposed.” In re Spina, 121 N.J. 378, 389 (1990). The “appropriate decision” should provide “due consideration to the interests of the attorney involved and to the protection of the public.” Ibid.

That an attorney’s misconduct did not involve the practice of law or arise from a client relationship will not excuse an ethics transgression or lessen the degree of sanction. In re Musto, 152 N.J. 165, 173 (1997). Offenses that evidence ethics shortcomings, although not committed in an attorney’s professional capacity, may nevertheless warrant discipline. In re Hasbrouck, 140 N.J. 162, 167 (1995). The obligation of an attorney to maintain the high standard of conduct required by a member of the bar applies even to activities that may not directly involve the practice of law or affect his or her clients. In re Schaffer, 140 N.J. 148, 156 (1995).

Attorneys who have engaged in isolated incidents of threatening behavior have received censures or short terms of suspension depending on the

unique circumstances of each matter, including the presence of physical violence and the attorney's disciplinary history. See, e.g., In re Ingilian, 246 N.J. 458 (2021) (censure for attorney who, following a physical altercation with a teenager, made several threatening statements to the youth; although the attorney denied making explicit death threats, the teenager reported to law enforcement that the attorney had threatened to kill him multiple times; no prior discipline); In re Gonzalez, 204 N.J. 75 (2010) (three-month suspension for attorney, in a default matter, who arrived at his client's home at 9:00 p.m. in an intoxicated and belligerent state; although the attorney left his client's home without incident, several hours later, at 2:00 a.m., the attorney called his client's home three times and left violent, vulgar, and sexually obscene voicemail messages, including a threat on his client's life; the attorney then returned to his client's home at 3:00 a.m. and threw a hammer through his client's living room window; no prior discipline); In re Smith, 235 N.J. 169 (2018) (six-month suspension for attorney who, while in an angry and aggravated state, positioned himself inches away from another person and screamed that he was going to "beat his a\$@ . . . in such a way as to make him believe it;" the attorney had a prior admonition, two censures, and a then-pending three-month suspension, all of which demonstrated a serious lack of professional boundaries).

Attorneys found guilty of harassment or stalking have received discipline ranging from a reprimand to a term of suspension, depending on the duration of the offending behavior, whether the attorney had a history of stalking or harassment, and whether the attorney was suffering from mental illness. See, e.g., In re Thakker, 177 N.J. 228 (2003) (reprimand for attorney who pleaded guilty to harassment; the attorney called the home of his former client fifteen to twenty times between 7:00 p.m. and 10:45 p.m., even after she had told him to stop; additionally, the attorney was abusive and belligerent to the police officer who had responded to the matter; when the police officer warned the attorney to stop calling his former client, the attorney invited the police officer to engage in a “hand to hand encounter between us men;” despite the police officer’s warning, the attorney continued to call his former client until just after midnight); In re Beatty, 196 N.J. 153 (2008) (three-month suspension for attorney convicted of fourth-degree stalking; the attorney, who worked as a racetrack security guard, became fixated on a young woman who frequently visited the racetrack; when the young woman stopped visiting the racetrack, the attorney, without any basis in fact, convinced himself that something terrible had happened to the young woman and began asking racetrack personnel where she had went; eventually, the attorney located the young woman and followed her to her South Carolina home, which alarmed

the young woman; in a prior, unrelated incident, the attorney began stalking his neighbor by peering into her window while she dressed; the neighbor later moved away in order to be rid of the attorney, however, the attorney found her and resumed his stalking; because the attorney suffered from a serious mental illness, we required the OAE to compel his medical examination for possible placement on disability inactive status); In re Wachtel, 194 N.J. 509 (2008) (six-month suspension for attorney convicted of two counts of fourth-degree stalking; in the first criminal matter, the attorney, during a four-month period, left several threatening voicemails for his wife's divorce lawyer; in one voicemail, the attorney told his wife's lawyer that "you're going to be dead soon. I know it all, I know where you sleep, where you drive, where you work, one mother-f#\$@!er is going to be dead soon"; the attorney also sent his wife's lawyer, whose daughter was expecting a child, a box containing feminine hygiene products with a note that said, "[h]oping the whore mother and child die in childbirth;" in the second criminal matter, the attorney left several obscene voicemail messages threatening to injure a court appointed mediator; in aggravation, the attorney engaged in prior harassing behavior toward his sister's attorney and had a prior conviction for possessing drug paraphernalia; in mitigation, the attorney's conduct was partly the result of his severe mental health and substance abuse issues, both of which he had

continued to treat).

Recently, in February 2023, the Court imposed lengthy terms of suspension for attorneys who engaged in severe, depraved acts of stalking and threatening behavior. See In re Lynch, __ N.J. __ (2023), 2023 N.J. LEXIS 153, and In re Waldman, __ N.J. __ (2023), 2023 N.J. LEXIS 151.

In Lynch, the attorney pleaded guilty to one count of stalking after he set his romantic sights on a stranger at a train station. In the Matter of William H. Lynch, Jr., DRB 21-274 (June 21, 2022) at 3. Lynch’s victim initially welcomed him as a friend and repeatedly told Lynch that she wanted nothing more than a friendship. Id. at 4. However, Lynch ignored her clear statements and, instead, projected his sexual desires onto her – repeatedly and incessantly sending her thousands of sexual and abusive text messages, during the span of several weeks. Id. at 4-9. After his victim demanded that Lynch never contact her again, Lynch left her two profane, sexually explicit voicemail messages. Id. at 9-11. During one of the voicemail messages, Lynch told his victim that “you’re gonna sign a contract so that you’re not gonna cry rape and try to sue me.” Id. at 10.

Thereafter, based solely on his victim’s refusal to accept his sexual advances, Lynch threatened his victim that he would utilize his “contact[s]” at the Federal Bureau of Investigations and the Central Intelligence Agency in

connection with his victim's status in the United States. Id. at 15. Moreover, Lynch went to his local police station, as well as the Pennsylvania Attorney General's Office, in an attempt to file baseless reports against his victim. Id. at 35. Finally, Lynch threatened his victim by claiming that he had several firearms in his house. Id. at 12.

In determining that an eighteen-month suspension was the appropriate quantum of discipline, we weighed, in aggravation, the fact that Lynch's conduct had caused his victim so much fear that she had purchased a firearm, obtained a license to carry the firearm, and joined a shooting club to protect herself from him. Id. at 44. We, however, accorded minimal weight to Lynch's mental health diagnoses, particularly because of his own concession that there was no link between his conduct and his mental health, and the lack of medical documentation establishing any link between his behavior and his diagnoses. Id. at 47.

As a condition precedent to his reinstatement, we required Lynch to provide proof of ongoing compliance with psychiatric treatment and to submit proof of fitness to practice law, as attested to by a medical doctor approved by the OAE. Ibid. The Court agreed and imposed the same conditions.

In Waldman, the attorney pleaded guilty to one count of cyberstalking following the end of his four-month dating relationship with his victim. In the

Matter of David R. Waldman, DRB 22-012 (July 18, 2022) at 14. After the breakup, Waldman, for the next four years, engaged in a course of conduct that threatened his victim's safety and caused her substantial emotional distress. Id. at 27. Specifically, Waldman sent his victim hundreds of harassing and threatening e-mails, created various blogs about the breakup, and repeatedly threatened violence against his victim. Id. at 3. Waldman threatened to kidnap his victim, hold her bound and gagged in his apartment, and rape her with a knife. Id. at 3. Waldman also demanded that his victim have sexual intercourse with him and threatened her with other acts of violence. Ibid. Additionally, Waldman contacted his victim's employer multiple times and made baseless allegations that his victim had abused illegal drugs. Id. at 26.

Waldman's victim obtained two restraining orders against him, both of which he violated. Ibid. Additionally, Waldman's violation of the restraining orders included using increasingly sophisticated means to continue his violent threats against his victim, including the creation of blogs using pseudonyms. Id. at 12-13. After Waldman was arrested, federal agents found a large knife in his home, a lock-picking kit, and several diaries that purportedly included instructions on how to conceal Internet Protocol addresses and post blog pages that were not traceable. Id. at 13.

In determining that a three-year suspension was the appropriate quantum of discipline, we weighed, in aggravation, the fact that Waldman had attempted to dissuade his victim from reporting his criminal conduct to law enforcement. Id. at 29. In further aggravation, we weighed the discriminatory character of Waldman’s anti-Semitic and misogynistic comments, which we viewed as irreconcilable with the traits of a member of the New Jersey bar. Ibid.

As a condition precedent to his reinstatement, we required Waldman to provide (1) proof of his continued sobriety and treatment for substance abuse, and (2) proof of his fitness to practice law, as attested to by a medical doctor approved by the OAE. Id. at 29-30. The Court agreed, imposing a three-year suspension with the same conditions.

In this case, a mere five months into her seven-year term of supervised probation in Mladenovich I, respondent’s former psychiatrist again became the target of her death threats and abusive remarks. Specifically, on February 18, 2021, respondent sent her former psychiatrist three voicemail messages containing menacing language and threatening to “f*\$king kill” the psychiatrist for prescribing medication to her non-existent children. Respondent also threatened to “murder” the psychiatrist if she did not “withdraw” respondent’s prior “sentence” of probation. As in Mladenovich I,

respondent's threatening behavior instilled such terror in the psychiatrist that she feared going to work or leaving her home out of fear that respondent, who previously had stalked and threatened her, in 2017 and 2019, may be nearby.

Respondent's menacing behavior, however, did not end there. In April 2022, five months after Judge Sawyer had sentenced respondent to an additional four years of supervised probation for threatening her former psychiatrist, respondent's former employer became the target of her threats of violence and anti-Semitic remarks. Specifically, respondent sent her former employer e-mails containing disturbing videos of a dismembered limb and a "drill" pointing to a "heart." Moreover, respondent sent her former employer dozens of daily "threats," "e-mails," "text messages," and "nonstop calls" during which she called her former employer a "f&\$king Jew," threatened to "beat [him up,]" and, at one point, claimed that she was "running around" her former employer's house. As with her former psychiatrist, respondent's behavior instilled such fear in her former co-workers that they "were scared to come back" to work. During the June 22, 2022 hearing before Judge Sawyer, although no formal criminal charges had yet been filed against respondent for her conduct toward her former employer, respondent did not dispute the fact that her behavior violated the terms of her probation. Indeed, Judge Sawyer adjudicated respondent in violation of her probation based on her conduct.

In aggravation, since her misconduct in Mladenovich I, respondent's threatening behavior has persisted, unabated, despite the imposition of multiple terms of supervised probation. Moreover, by again threatening her former psychiatrist, respondent defied the September 2020 order issued by the Philadelphia County Court of Common Pleas, in connection with the criminal proceedings underpinning Mladenovich I, which prohibited her from contacting her former psychiatrist. In further aggravation, respondent has continued to engage in vile, anti-Semitic remarks, which, as we observed in Waldman, constitutes behavior irreconcilable with the traits of a member of the New Jersey bar. Finally, as in Mladenovich I, respondent failed, for more than four months, to promptly notify the OAE of her criminal charges, as R. 1:20-13(a)(1) requires. Indeed, respondent only notified the OAE that she had sustained new charges after realizing that her sentencing date for those offenses conflicted with our scheduled oral argument date in Mladenovich I.

Although respondent's threatening behavior was extremely disturbing and instilled fear in multiple victims, her conduct was not as pervasive as that of the attorney in Lynch, where we determined that an eighteen-month suspension was the appropriate quantum of discipline. Unlike respondent, who left only three threatening voicemail messages to her former psychiatrist and whose threatening communications to her former employer spanned, at most,

approximately two weeks before she was taken into custody, Lynch left his victim thousands of sexual and abusive text messages, during the span of several weeks. Additionally, Lynch left his victim at least two voicemail messages, laced with profanity and derogatory names, in which he stated his intent to draft a contract permitting him to have sex with his victim, to avoid her accusing him of rape. Lynch also threatened his victim by claiming that he had several firearms in his house, leveraged his status as a lawyer by threatening to contact federal authorities regarding his victim's status in the United States, and attempted to file baseless reports against his victim with Pennsylvania law enforcement agencies. By contrast, respondent neither attempted to leverage her status as a lawyer in connection with her threatening behavior nor laced her communications with threats of sexual violence.

Additionally, in mitigation, respondent's conduct may partly have been attributable to her mental health issues. However, we accord minimal weight to this factor, given respondent's probation officer's June 2022 testimony that she had failed to comply with her court-ordered mental health treatment and would become belligerent when he had attempted to ascertain the status of her upcoming psychiatric appointments. Moreover, as in Mladenovich I, respondent has neither produced medical documentation in support of her claims nor established a nexus between her illness and her multiple tirades of

threatening and anti-Semitic messages.

On balance, given that respondent's threatening behavior has continued, unabated, against multiple victims, and while under supervised terms of probation, we determine that a one-year suspension is the appropriate quantum necessary to protect the public and preserve confidence in the bar.

Additionally, we reiterate that respondent comply with the Court's November 14, 2022 three-month suspension Order, in Mladenovich I, requiring that (1) she provide to the OAE, prior to reinstatement, proof of fitness to practice law, as attested by a medical doctor approved by the OAE; (2) she enroll in an alcohol treatment program, approved by the OAE; and (3) she submit proof of her regular attendance in the program to the OAE, on a quarterly basis, for a two-year period and until further Order of the Court.

Additionally, considering respondent's apparent lack of compliance with her court-ordered mental health treatment in Pennsylvania, we require respondent to provide proof to the OAE of her ongoing compliance with her mental health treatment, on a quarterly basis, for a two-year period and until further Order of the Court.

Members Menaker and Rodriguez voted for a three-month suspension, with the same conditions.

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
Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.),
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 Milena Mladenovich
Docket No. DRB 22-207

Argued: February 16, 2023

Decided: May 1, 2023

Disposition: One-year suspension

<i>Members</i>	One-year suspension	Three-month suspension
Gallipoli	X	
Boyer	X	
Campelo	X	
Hoberman	X	
Joseph	X	
Menaker		X
Petrou	X	
Rivera	X	
Rodriguez		X
Total:	7	2

/s/ Timothy M. Ellis

Timothy M. Ellis
Acting Chief Counsel