Supreme Court of New Jersey
Disciplinary Review Board
Docket No. DRB 22-227
District Docket No. XIV-2021-0269E

In the Matter of	:
Angelique Layton Anderson	:
An Attorney at Law	:

Decision

Argued: February 16, 2023

Decided: May 16, 2023

Corsica D. Smith appeared on behalf of the Office of Attorney Ethics.

Respondent waived appearance for oral argument.

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 (the OAE), pursuant to R. 1:20-14(a), following the Supreme Court of Colorado's June 18, 2021 order suspending respondent for three years. The OAE asserted that respondent was found guilty of having

violated the equivalents of New Jersey RPC 1.1(a) (three instances) (engaging in gross neglect); RPC 1.4(b) (failing to communicate with the client); RPC 1.4(c) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation); RPC 1.5(b) (failing to set forth in writing the basis or rate of the legal fee); RPC 1.6(a) (failing to maintain confidential information); RPC 3.1 (engaging in frivolous litigation); RPC 3.4(b) (falsifying evidence); RPC 3.4(d) (failing to comply with pre-trial discovery requests); RPC 8.1(a) (making a false statement of material fact to disciplinary authorities); RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); and RPC 8.4(d) (two instances) (engaging in conduct prejudicial to the administration of justice).

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

Respondent earned admission to the New Jersey bar in 1989, to the District of Columbia bar in 1990, and to the Colorado bar in 2004. At the relevant times, she maintained a practice of law in Louisville, Colorado. She has no prior discipline in New Jersey.

Effective October 30, 2013, the Supreme Court of Colorado suspended respondent for six months for her violations of Colo. RPC 1.5(b) (failing to set

forth in writing the basis or rate of the legal fee); Colo. RPC 1.7 (engaging in a concurrent conflict of interest); and Colo. RPC 1.8(e) (providing financial assistance to a client in connection with pending or contemplated litigation) (Colorado I). People v. Layton, 2013 Colo. Discipl. LEXIS 112 (2013). The Colorado Supreme Court, however, stayed respondent's suspension in favor of a three-year probationary period, with unspecified conditions.

In Colorado I, respondent represented a client in connection with several legal matters. During the representation, she hired the client to clean her house and to work on her political campaign. Although respondent planned to offset the money she owed to the client for that work against her unpaid legal fees, respondent failed to specify the hourly rate the client would be credited for her work. Respondent also failed to set forth, in writing, the basis or rate of her legal fee, in violation of Colo. RPC 1.5(b). Additionally, respondent posted a bond for the client and paid the client's rent and vehicle impound fees, which were not legitimate litigation expenses, in violation of Colo. RPC 1.8(e). Finally, respondent filed the client's income tax returns with the expectation of using the client's tax refund to reimburse the costs of posting the client's bond. Respondent's personal interest in obtaining the client's tax refund, however, created a significant risk of materially limiting respondent's representation, in violation of Colo. RPC 1.7.

Effective June 12, 2014, the District of Columbia Court of Appeals imposed reciprocal discipline, in the form a six-month suspension, based on respondent's misconduct in Colorado I. In re Layton, 92 A.3d 1141 (D.C. 2014).

Effective June 18, 2021, the Colorado Supreme Court suspended respondent for three years in connection with her misconduct underlying this matter. People v. Layton, 494 P.3d 693 (2021) (Colorado II).

Finally, effective June 27, 2022, our Court declared respondent ineligible to practice law in New Jersey for failing to pay her annual assessment to the New Jersey Lawyers' Fund for Client Protection.

We now turn to the facts of this matter.

As detailed below, in Colorado II, respondent engaged in a variety of ethics infractions in connection with (i) multiple client matters, and (ii) the prosecution of her Colorado disciplinary matter.

A. Respondent's Misconduct in the Carmichael matter

In 2013, Colorado attorney Devra Carmichael, Esq., began representing C.E. in a highly contentious matrimonial matter against his wife, J.E., in the District Court of Adams County, Colorado. In 2016, J.E. retained Colorado attorney Judith Shively, Esq., to represent her in the matrimonial matter.

On June 9, 2017, the District Court conducted a hearing to determine the custody arrangement of the parties' four minor children, including fourteen-

year-old C.E., Jr. At the conclusion of the hearing, the District Court judge awarded C.E. sole custody of C.E., Jr., and reduced J.E.'s parenting time with C.E., Jr., to once a week in a supervised, therapeutic setting.

On September 8, 2017. C.E. filed a motion to enforce the District Court's June 2017 decision, claiming that J.E. improperly had "hidden" C.E., Jr., in her home for several months. On September 28, 2017, before the District Court had ruled on C.E.'s motion, respondent substituted as counsel for J.E.

On November 17, 2017, following a hearing, the District Court issued an order determining that J.E. had interfered with C.E.'s parenting time and ordering that J.E. reimburse C.E. for counsel fees.

On December 1, 2017, respondent filed with the District Court a "[r]equest for [r]eview" of its November order. The District Court construed respondent's filing as a request for an extension of time to file a petition for review.[1] On December 7, 2017, the District Court issued an order granting respondent "an extension of 14 days from the date of [its] order" to file her petition for review.

[1] Like a motion for reconsideration in New Jersey, in Colorado, a party may obtain review of a district court's order by filing a petition for review with the same district court judge. The petition must be filed within fourteen days of the entry of the order, if the parties were present when the order was entered, or within twenty-one days from the date the order was mailed or otherwise transmitted to the parties. See Col. R. Mag.7(a)(5).

On December 27, 2017, six days after the December 21 deadline, respondent filed with the District Court a "[r]equest for [c]larification" of its December 7 order granting her a fourteen-day extension to file her petition for review. In her submission, respondent claimed that the District Court's December 7 order did not specify a deadline by which she was to file her petition. Additionally, she clarified that she "initially" had "intended" to seek the District Court's permission to file her petition on or before January 7, 2018, fifty-one days after the District Court's issuance of its November 17 order granting C.E.'s motion. Respondent noted that she sought the extension because she needed additional time to prepare her petition and to obtain the relevant transcript.

Also on December 27, 2017, respondent filed, on behalf of J.E., a motion to "[r]estrict and/or [m]odify [C.E.'s] [p]arenting [t]ime[,]" claiming that, since June 2017, C.E., Jr., had "run away" from C.E. on several occasions and, if forced to return to C.E., he would suffer "imminent emotional and physical harm[.]" The District Court scheduled respondent's motion for January 10, 2018.

On January 5, 2018, respondent and Carmichael filed a joint motion to adjourn the scheduled January 10 hearing date due to Carmichael's inability to attend the hearing. On January 8, 2018, the District Court denied the joint motion

to adjourn because the allegations in J.E.'s motion to restrict "and/or" modify C.E.'s parenting time raised serious concerns regarding the safety of C.E., Jr.

Thereafter, on the evening of January 8, 2018, respondent and Carmichael exchanged a series of e-mails in which they agreed that C.E., Jr., would be able to remain with J.E. pending the outcome of a custody hearing. In one e-mail to respondent, Carmichael noted that C.E. had agreed to the arrangement provided that a new custody hearing be scheduled "as quickly as possible." On January 9, 2018, respondent filed an amended motion to "[m]odify [p]arenting [t]ime" based on the parties' agreement.

On January 10, 2018, respondent and J.E. appeared before the District Court in connection with her amended motion to modify C.E.'s parenting time. Carmichael, however, could not appear on behalf of C.E. due to an unrelated court appearance. During the hearing, respondent noted that she would withdraw J.E's motion to "restrict" C.E.'s parenting time because the parties had reached an agreement regarding C.E., Jr.'s, custody arrangements, The District Court, however, denied respondent's amended motion to "modify" C.E.'s parenting time because of a Colorado statute, which generally imposes a two-year bar on the filing of such motions following the issuance of an order establishing custody. See C.R.S. § 14-10-129(1.5). Consequently, the District Court ordered that its June 9, 2017 custody ruling remain in place.

On January 10, 2018, following the motion hearing before the District Court, respondent called the municipal court of Thornton, Colorado, attempting to obtain a protective order prohibiting C.E. from contacting C.E., Jr. The Thornton municipal court, however, advised respondent that it did not issue general civil protective orders. Thereafter, on that same day, respondent assisted J.E. and C.E., Jr., in filing a motion for a protective order against C.E. in the Boulder County Court. During the Colorado ethics hearing, respondent testified that she sought to obtain the protective order so that C.E., Jr., would not be forced to return to C.E.'s home. The Boulder County Court, however, declined to issue a protective order in light of the parties' ongoing custody dispute before the Adams County District Court.

Between January 11 and 14, 2018, following her inability to obtain the protective order on behalf of C.E., Jr., respondent sent Carmichael several e-mails attempting to enforce the parties' January 8 agreement, which would allow C.E., Jr. to temporarily remain with J.E. pending the outcome of a custody hearing.

Specifically, on January 11, 2018, respondent sent Carmichael an e-mail stating that, if respondent did not have Carmichael's "agreement by close of business today[,] I am filing a grievance with the bar [. . .] alleging violations of [Colo. RPC] 4.1 and [Colo. RPC] 8.4." In reply, Carmichael advised

respondent, in part, that it was "a bad idea to threaten the opposing party." Respondent replied by claiming "there is no threat to report this to the bar. It is a guarantee." Respondent also asserted that Carmichael "purposely" had misrepresented C.E.'s willingness to enter into the agreement in order to induce respondent into withdrawing her motion to "restrict" C.E.'s parenting time. Respondent informed Carmichael that, "in my opinion[, that] is a violation of [Colo. RPC] 4.1 and [Colo. RPC] 8.4 and I will be reporting it today."

On January 12, 2018, respondent again sent Carmichael an e-mail, stating "[a]re you going to agree to the proposal you promised me you would send on behalf of your client, or should I go forward with the complaint to the bar and to the court regarding your actions[?]" In reply, Carmichael insisted that she had no authority to execute the agreement without C.E.'s authorization. Respondent, however, replied by informing Carmichael that:

> you said that you would have [C.E.] sign the motion [. . .]. So do you want me to report this to the bar and they can look at this, or do you want to honor your promise to me[?] I was going to make the report this morning, but was too busy to do it, so I'll give you this weekend to think about it[.]
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> [Ex.Ep.11.][2]

[2] "Ex." refers to the exhibits appended to the OAE's brief.

On January 14, 2018, respondent sent Carmichael another e-mail, stating, "I can send in the emails to the court and point out my reasonable reliance on your representations. I don't know what the judge will do, but I am going to report your conduct to the Attorney Regulation Coun[sel]." Carmichael replied by stating "[p]lease do not threaten me again[,]" to which respondent replied, "[i]t is not a threat. I will file our grievance on Tuesday."

During the Colorado ethics hearing, respondent conceded that threatening to file an ethics grievance against Carmichael to obtain an advantage in the custody litigation did not meet "required standards of professionalism[.]" Respondent, however, claimed that her intent "was to reduce the conflict between counsel."

On January 18, 2018, respondent filed with the District Court a petition for review of its November 17, 2017 order, which granted C.E.'s motion to enforce the June 2017 custody determination, determined that J.E. had interfered with C.E.'s parenting time, and ordered that J.E. reimburse C.E. for attorney's fees. In her petition, respondent stated that she had not yet ordered a transcript of the November 2017 motion hearing due to a "miscommunication" with Shively, J.E.'s prior counsel. Additionally, she claimed that the District Court had abused its discretion by allowing her until only December 21, 2017, to file her petition for review.

On January 19, 2018, respondent requested a transcript of the November 2017 hearing before the District Court.

On January 21, 2018, respondent filed with the Colorado Court of Appeals a notice of appeal of the District Court's December 7, 2017 order granting her a two-week extension, until December 21, 2017, to file her petition for review. The Court of Appeals, however, determined that respondent had failed to timely file her petition for review of the District Court's November 17, 2017 order.

On February 2, 2018, respondent filed with the District Court a motion to enforce the parties' agreement that C.E., Jr., remain with J.E. pending the outcome of a custody hearing. In her motion, respondent argued that a contract existed between the parties, pursuant to the Uniform Commercial Code (the UCC), because the parties had a "meeting of the minds." The District Court, however, denied respondent's motion, finding that there was no "meeting of the minds" between the parties.

In the Colorado Supreme Court, Office of Presiding Disciplinary Judge's (the OPDJ) May 14, 2021 decision, the OPDJ found, by clear and convincing evidence, that respondent violated Colo. RPC 1.1 by failing to file a timely petition for review of the District Court's November 17, 2017 order. The OPDJ reasoned that the District Court's December 7, 2017 order should have left no doubt regarding respondent's December 21, 2017 deadline to file her petition.

However, rather than file the petition by the December 21 deadline, respondent waited until December 27, 2017 to file a request for clarification of the District Court's December 7 order. The OPDJ found that, under these circumstances, a reasonably competent lawyer would not have allowed the period to file the petition to lapse.

Finally, the OPDJ found that respondent violated Colo RPC 4.5(a) by threatening to file an ethics grievance against Carmichael unless she executed an agreement, against C.E.'s express authorization, which provided that C.E., Jr., would remain with J.E. pending a custody hearing.

B. Respondent's Misconduct in the Porter matter

Ghassan Nehme is the sole owner of Salim's Silver Star Automobile Services, Inc. (Salim's), an El Paso, Colorado based business specializing in servicing Mercedes-Benz automobiles. On October 14, 2015, Colorado attorney Arthur Porter, Esq., filed, in the County Court of El Paso, a civil lawsuit against Salim's on behalf of Kelly Bynum. Bynum's lawsuit alleged that Salim's had sold him a defective used engine for his 1998 Mercedes Benz.

Jason Huffer, a real estate agent who had brokered high-end automobile sales for Nehme, offered to discuss the lawsuit with respondent, who had represented Huffer in various legal matters since 2012. After discussing the

matter with Huffer, respondent agreed to represent Salim's in connection with the lawsuit.

At the outset of the representation, Nehme understood that respondent would serve as Salim's attorney. However, because Nehme had an "extreme aversion" to discussing the lawsuit, Huffer volunteered to help Nehme mange the lawsuit. Consequently, throughout the representation, Nehme would send Huffer all litigation-related documents and assumed that Huffer would share those materials with respondent. In that vein, respondent communicated almost exclusively with Huffer and had only "a couple of conversations with" Nehme throughout the entire representation.

During the Colorado ethics hearing, respondent testified that Huffer had advised her that he had the authority to retain respondent, on Salim's behalf, and that he was in charge of Salim's legal affairs. Respondent neither questioned Huffer's representations nor conducted any investigation to determine whether Huffer had such authority. Respondent also admitted that she did not provide Nehme with a written fee agreement because, in her view, she had an existing, unsigned, 2012 fee agreement with Huffer, which established her fee at $50 per hour in exchange for her work on "legal matters."

On December 8, 2015, respondent filed a motion to dismiss Bynum's complaint, alleging that the lawsuit was barred by the applicable statute of

limitations. However, pursuant to Colorado County Court Rule 307, no responsive pleading shall be filed other than an answer. Consequently, on December 14, 2015, the County Court denied respondent's motion as an impermissible responsive pleading in a County Court lawsuit.

On December 15, 2015, respondent filed an answer on behalf of Salim's, alleging that the lawsuit was barred by the applicable statute of limitations and that the County Court had no jurisdiction over Salim's pursuant to the Colorado Product Liability Act. Thereafter, unbeknownst to Nehme, respondent; Huffer; Porter; and Bynum unsuccessfully participated in mediation. During mediation, respondent alleged that a third party, European Performance Specialists, LLC, was liable to Bynum because it had installed the engine in Bynum's 1998 Mercedes-Benz.

Following the unsuccessful mediation, respondent and Huffer agreed to develop a trial strategy to suggest that European improperly had installed Bynum's engine. Respondent, however, did not join European as an "indispensable party" to the lawsuit.

On June 14, 2016, a trial was conducted in the County Court, where respondent and Nehme met in person for the first time. At the conclusion of the trial, the County Court determined that a contract existed between Salim's and Bynum and that no contract existed between European and Salim's. The County

Court, thus, issued a $5,905.45 judgment against Salim's and in favor of Bynum, plus costs, but did not order Salim's to pay Bynum's counsel fees.

During the Colorado ethics hearing, Nehme testified that, as he walked out of the courtroom, he was ready to fulfill the judgment "then and there." However, Nehme claimed that respondent failed to inform him how to satisfy the judgment. Indeed, Nehme alleged that respondent failed to "say anything," other than to promise to contact him, which she then failed to do.

Also, during the Colorado ethics hearing, respondent testified that she had advised Huffer to appeal the judgment to the El Paso County District Court. Huffer accepted respondent's advice and, on July 28, 2016, respondent filed a notice of appeal with the District Court, without Nehme's knowledge. In August 2016, Huffer authorized respondent to order the trial transcript and directed respondent to send him all invoices related to the case.

On February 23, 2017, the District Court affirmed the County Court's judgment. Potentially encouraged by respondent's disparaging remarks about the justice system,[3] Huffer decided to seek further appellate review. Accordingly, on March 11, 2017, respondent appealed the District Court's

[3] In a March 2017 e-mail to Huffer, respondent claimed that the appeal outcome was expected: "[f]rankly, it is requesting that another judge who works possibly in the same office to determine that their colleague who sits right next to them and who passes them every single day in the hall made a critical error in interpreting the law. So the review was just a mandatory step on our way to our argument with the Court of Appeals."

decision to the Colorado Court of Appeals, without seeking Nehme's approval. However, on March 29, 2017, the Court of Appeals dismissed the appeal because it lacked jurisdiction to consider an appeal of a district court's ruling in a matter appealed from a county court. Pursuant to Colo. Rev. Stat. §13-6-310(4), such appeals may be made only by a petition for certiorari to the Colorado Supreme Court.

Following respondent's unsuccessful appeal, on May 2, 2017, Bynum, in an effort to collect on his judgment, served creditor interrogatories on Nehme. Nehme sent the interrogatories to Huffer, who, in turn, sent them to respondent. Respondent, however, offered no assistance to Huffer or Nehme regarding the completion of the interrogatories, which were due within twenty-one days of service. See Colo. R. Civ P. 69(d)(1).

On May 15, 2017, eight days before the twenty-one-day deadline, Huffer sent respondent several e-mails, inquiring whether respondent would reply to the interrogatories and demanding a "plan to extricate us from this extortion and malpractice." In reply, respondent informed Huffer that she had managed to delay payment of the judgment by filing the appeals and that "the only way to possibly recover now is to sue European[,] although we'd end up in the district

court with the same problems we started out with in the home cooking stuff."[4] A few days later, at Huffer's insistence, respondent devised two strategies to "rectify the situation." First, respondent informed Huffer that she would attempt to delay the deadline to answer the creditor interrogatories. Second, respondent would sue European to attempt to recoup the judgment amount assessed against Salim's.

On May 31, 2017, approximately one week after the deadline to answer the creditor interrogatories, respondent filed with the County Court a request for a sixty-day extension to reply to the interrogatories. In her extension request, respondent falsely claimed that she was unaware of the interrogatories until May 19, 2017, and that she had been unable to contact her "client" until May 29, 2017.

On June 1, 2017, the County Court granted Salim's an additional sixty days, until July 25, 2017, to respond to the creditor interrogatories. Although respondent advised Huffer that the County Court had granted the extension request, respondent failed to advise Huffer or Nehme to begin work on the interrogatory responses.

[4] During the Colorado ethics hearing, Huffer testified that he had interpreted respondent's "home cooking" comments to mean that she was being "hometowned" because, unlike respondent, Porter lived in the area and had a rapport with local judges.

On July 17, 2017, respondent filed in the El Paso County District Court a nine-count complaint on behalf of Salim's and against European, without Nehme's knowledge. In her complaint, respondent alleged that Salim's had "fully serviced the Mercedes engine" prior to delivering it to European, which installed the engine in Bynum's car. Respondent's complaint asserted various legal theories, including breach of contract and fiduciary duty, general negligence and negligent entrustment, and civil conspiracy and promissory estoppel. Respondent requested $50,000 in damages, an amount which she added "just because [she] thought it might freak [European] out a bit more."

European retained Porter as counsel and, on August 1, 2017, Porter sent respondent a letter, noting that the new lawsuit was "frivolous, groundless, and vexatious." In that vein, Porter noted that, if Salim's claims had merit, European should have been joined as a party to the County Court matter, and that respondent was now "collaterally estopped from making any claim contrary to the established facts." Respondent, however, "quickly" filed a request to stay Salim's obligations to answer the creditor interrogatories in the County Court matter, arguing that Porter, as counsel to European and Bynum, would share Salim's confidential business information with European in connection with the District Court matter. Porter, who viewed respondent's bid as another "attempt to try and avoid the ramifications" of the County Court judgment, objected that

same day. The County Court "almost immediately" denied respondent's stay request.

On August 8, 2017, two weeks after the July 25 deadline to answer the creditor interrogatories, respondent advised Huffer that the best way to avoid answering the interrogatories was to simply pay the County Court judgment. Huffer queried respondent regarding the judgment amount, inquired how to pay the judgment, and asked whether such payment would give Salim's "leverage" in the District Court matter. Although respondent advised Huffer of the judgment amount, she did not counsel Huffer to pay the judgment or provide guidance on how to do so. Consequently, Salim's did not pay the judgment.

On August 25, 2017, Porter filed, on behalf of Bynum, a motion in the County Court matter to hold Salim's in contempt for failing to pay the judgment or to respond to the creditor interrogatories. The County Court scheduled a November 28, 2017 contempt hearing in connection with Bynum's motion.

Meanwhile, on September 1, 2017, Porter filed a motion, on behalf of European, to dismiss the District Court matter. In his motion, Porter criticized respondent for disregarding the facts established in the County Court matter regarding the existence of a contract between Bynum and Salim's. Porter also requested counsel fees and costs for having to defend against "this untruthful, frivolous, groundless, and vexatious pleading."

On October 23, 2017, the District Court granted European's motion to dismiss because respondent "fail[ed] to state viable claims" against European and failed to submit any opposition to the motion. However, on October 26, 2017, respondent filed a motion for reconsideration, maintaining that she inadvertently had filed her opposition to European's motion to dismiss in an unrelated matter.

On November 1, 2017, the District Court judge issued an order allowing the parties to "fully brief" the dismissal motion while noting that he was "troubled by the multiple errors of counsel" and that "serious questions exist[ed] regarding the viability of the current case[.]"

In November, 2017, respondent filed motions to withdraw as Salim's counsel in the County and District Court matters based on "irreconcilable differences" with Salim's. On November 8, 2017, the County Court granted respondent's motion and allowed her to withdraw as counsel. During the Colorado ethics hearing, Huffer testified that respondent's withdrawal as counsel left Salim's "in the dark of night after causing chaos and expense unnecessarily."

Following respondent's withdrawal from the County Court matter, Porter began corresponding directly with Nehme, who was willing to pay the County Court's June 2016 judgment and did not wish to pursue litigation against

European in the District Court. Consequently, on November 27, 2017 Nehme paid the County Court's $5,905.45 judgment in full, as well as $1,361.23 in accrued interest. Also on November 27, 2017, Porter filed a "satisfaction of judgment" in the County Court matter, which prompted the County Court to dismiss Porter's contempt motion scheduled for November 28, 2017.

Meanwhile, on November 30, 2017, the District Court denied European's motion to dismiss because respondent's complaint was neither barred by statutes of limitation nor issue or claim preclusion. The District Court, however, noted that "additional discovery may give rise to potential issues of summary judgment at a later time."

On December 3, 2017, the District Court granted respondent's motion to withdraw as counsel. In January 2018, the District Court ordered European and Salim's to file written status reports reflecting the procedural posture of the matter.

On February 13, 2018, Porter filed his status report, on behalf of European, requesting that the District Court dismiss the matter, because Nehme no longer wished to pursue the litigation, and requesting that the District Court order respondent to pay $16,196.50 in counsel fees.

On February 26, 2018, Nehme filed his status report, on behalf of Salim's, requesting that the District Court dismiss the matter, without prejudice, to allow Salim's to retain a new attorney "to properly litigate this action."

On March 1, 2018, the District Court dismissed the matter, with prejudice.

Two weeks later, on March 15, 2018, Porter filed, with the District Court, a motion requesting that respondent reimburse European for counsel fees. In his motion, Porter alleged that respondent had instituted the litigation "without authority." On March 22, 2018, respondent submitted her reply to European's motion, claiming that:

> [a]t no time did [I] file this matter without direction from Jason Huffer, the individual who has at all times directed [me] in this matter and in other related matters between Salim's Auto and Kelly Bynum. After the complaint was filed and sustained by the Court, Mr. Huffer became abusive and conversations were repeatedly peppered with profanity and shouting such that [I] no longer believed [I] could work with Mr. Huffer.
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> [Ex.Ep.26; Ex.A¶202.]

In reply to respondent's submission, Porter claimed that respondent had filed the District Court lawsuit, without Nehme's authority, at the insistence of Huffer, a third party who was not authorized to direct the litigation on behalf of Salim's. Additionally, Porter attached to his reply an affidavit signed by Nehme,

who claimed that he was the principal operator of Salim's and that Huffer was never a principal in the business or a client in the District Court matter.

On June 20, 2018, respondent appeared before the District Court in connection with European's motion for counsel fees. During the hearing, respondent defended her decision to file Salim's District Court lawsuit and noted that she had an existing fee agreement with Huffer. Respondent also maintained that she "understood" that Huffer had (1) communicated with Nehme throughout the litigation, (2) sent Nehme a copy of the District Court complaint, and (3) made a "substantial capital investment in Salim's."

On July 12, 2018, the District Court issued an order granting European's motion and requiring respondent to pay European $10,500 in counsel fees. In its order, the District Court found that respondent's complaint against European "was largely frivolous and groundless and is largely the fault of [respondent] and not [Salim's]." Specifically, the District Court judge determined that respondent elected to file the lawsuit based on the "flawed logic of a Mr. Huffer who [. . .] may not have had the authority to speak for [Salim's] but even so, did not present sufficient justification to counsel to conclude that [European] had any factual or legal responsibility." The District Court also noted that "[t]he mere fact that a client representative opines that a party has some liability for monetary damages assessed against them does not relieve an attorney from

making some basic independent investigation of whether a prima facie case exists against that party." The District Court concluded that respondent's actions cost European unnecessary fees, time, and inconvenience.

On August 23, 2018, respondent appealed the District Court's award of counsel fees to the Colorado Court of Appeals. Meanwhile, on August 30, 2018, Porter filed writs of garnishment against respondent's "bank accounts" based on her failure to pay the $10,500 counsel fee award. In total, Porter garnished $11,318.77 from respondent's bank accounts, which included accrued interest, in order to satisfy the counsel fee award.

On October 31, 2019, the Colorado Court of Appeals issued an opinion affirming almost every aspect of the District Court's counsel fee award. In its decision, the Court of Appeals found that respondent's District Court lawsuit against European was frivolous based on her failure to satisfy her independent duty to "investigate the facts and law." Specifically, the Court of Appeals observed that respondent:

> asserted a breach of contract claim despite the lack of a contract between European and Salim's concerning the conditions of the engine, a breach of fiduciary claim in the absence of a fiduciary relationship, negligence claims even though European did not owe Salim's a duty of care, a civil conspiracy claim without an agreement to harm Salim's, and a promissory estoppel claim without a promise.
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> [Ex.Ep.28.]

In its May 14, 2021 decision, the OPDJ determined that respondent violated Colo. RPC 1.1 by filing the December 8, 2015 motion to dismiss Bynum's County Court complaint against Salim's, despite the fact that Colorado County Court Rule 307 prohibits any responsive pleading other than answer to a County Court complaint. The OPDJ further found that respondent violated Colo. RPC 1.1 by filing an appeal of the District Court's February 23, 2017 judgment, which affirmed the County Court's June 14, 2016 judgment, directly to the Colorado Court of Appeals. The OPDJ determined that respondent's "procedural misstep" ran afoul of Colo. Rev. Stat. §13-6-310(4), which requires appeals of such District Court judgments to be made only by way of petition for certiorari to the Colorado Supreme Court.

Additionally, the OPDJ found that respondent violated Colo. RPC 1.1 by failing to inquire whether Huffer had any authority to act on behalf of Salim's and by failing to investigate whether the District Court lawsuit against European had any factual or legal merit. Respondent's failure to conduct any factual investigation or to advance a cogent argument in support of her nine-count District Court complaint, likewise, violated Colo. 3.1. The OPDJ emphasized that respondent's District Court complaint was not grounded in sound legal analysis or even a rudimentary factual investigation. Rather, respondent's District Court complaint was fueled by her desire to preserve her relationship

with Huffer, who became irate and blamed respondent for the outcome of the County Court case. Similarly, the OPDJ found that respondent's frivolous filing resulted in an unnecessary waste of judicial resources, in violation of Colo. RPC 8.4(d).

Moreover, the OPDJ found that respondent again violated of Colo. RPC 1.1, along with Colo. RPC 3.4(d), by failing to advise Salim's to timely reply to Bynum's creditor interrogatories, following the issuance of the County Court judgement. Rather, the OPDJ observed that, on May 31, 2017, respondent sought from the County Court a "lengthy extension" to reply to the interrogatories based on her false assertion that she had been unaware of the interrogatories until a few days earlier. Thereafter, even after the interrogatories became due, and even after Bynum had filed a contempt action against Salim's for failing to pay the judgment or to reply to the interrogatories, the OPDJ found that respondent never insisted that Nehme complete the interrogatories. In the OPDJ's view, respondent's efforts to evade the creditor interrogatories constituted not only incompetence, but also a failure to abide by a legally proper discovery request.

The OPDJ, however, declined to find that respondent violated Colo. RPC 1.1 by not joining European to the County Court matter, and by misfiling her reply to European's motion to dismiss the District Court matter in an unrelated matter. The OPDJ explained that the evidence presented during the ethics

hearing suggested that the joinder of European to the County Court matter was permissive, not mandatory. Moreover, the OPDJ characterized respondent's misfiled opposition to European's motion to dismiss as a "simple mistake that any lawyer might make under time pressure."

The OPDJ further found that respondent violated Colo. RPC 1.4(a)(2)[5] by allowing Huffer to serve as her intermediary with Nehme, Salim's sole owner, without ever consulting with Nehme regarding his litigation objectives. Similarly, the OPDJ observed that respondent not only exhibited a "near-complete failure" to communicate directly with Nehme, but she also failed to inquire whether Huffer, whom she allowed to direct the litigation, had been providing Nehme with timely and accurate updates regarding the litigation.

Next, the OPDJ found that respondent violated Colo. RPC 1.5(b) by failing to set forth, in writing, the basis or rate of her legal fee with Salim's. The OPDJ determined that respondent's prior, unsigned fee agreement with Huffer failed to notify Salim's of the basis or rate of her legal fee in connection with the litigation with Bynum and European.

Finally, the OPDJ determined that respondent violated Colo. RPC 1.6(a) by improperly revealing information related to the representation in her March

[5] Colo. RPC 1.4(a)(2) requires an attorney to reasonably consult with the client about the means by which the client's objectives are to be accomplished.

22, 2018 reply to European's motion for counsel fees. In her March 22 reply, respondent revealed that Huffer had been directing the litigation and had become verbally abusive to respondent following her filing of Salim's District Court complaint against European. The OPDJ observed that, although respondent was entitled to reveal information relating to Huffer's authorization of the litigation, in order to refute Porter's claim that she had acted without authorization, respondent was not permitted to describe Huffer's verbal attacks against her, which were irrelevant in determining the merit of a counsel fee award.

C. Respondent's Conduct in the Shih matter

N.W. and her former partner, A.C., shared custody of their child, R.C., based on an informal, August 2016 custody agreement. On December 28, 2017, respondent filed, on behalf of N.W., a petition for custody of R.C., in the County Court of Arapahoe, Colorado.

On January 2, 2018, the County Court issued a notice scheduling a status conference for February 7, 2018 and directing that respondent file proof that she properly had served A.C. with the petition. Thereafter, respondent, without contacting A.C., arranged to reschedule the status conference for February 21, 2018.

On February 5, 2018, A.C., through his attorney, Theodore Shih, Esq., filed a motion to dismiss the petition based on respondent's failure to serve A.C.

In his motion, A.C. alleged that respondent had served only his father with the petition and claimed that the County Court lacked personal jurisdiction over him to adjudicate the dispute.

On February 7, 2018, upon learning that the County Court had scheduled the status conference for February 21, 2018, Shih sent respondent an e-mail, advising her that he was unavailable to attend the status conference, proposing new dates for the conference, and volunteering to prepare a new "notice of hearing." That same day, respondent replied to Shih, stating that "[w]e have already rescheduled this. You are either representing him or not and if you are representing him tell me where he lives and we will serve him. Don't play games with me because we will file a motion for publication if you refuse to provide a reasonable address." In reply, Shih advised respondent that he was "simply complying with the [County] Court's desire to set a [status conference]. If you have other preferences as to when the [conference] is scheduled, please let me know." Shih further informed respondent that, by filing a motion to dismiss on A.C.'s behalf, he was, "by definition[,]" "his attorney of record[.]" In that capacity, Shih informed respondent that he had "no duty to cure" her "inappropriate service of process as part of my representation of [A.C.]."

On February 8, 2018, respondent sent Shih another e-mail, stating "[i]f you are entering your appearance[,] then you can participate[.] [I]f you are not[,]

then how can you get standing to do anything." In reply, Shih again explained that, by filing a motion to dismiss, he properly had entered his appearance. Additionally, Shih proposed a series of new dates that would allow him to attend the status conference.

Respondent did not reply to Shih. Rather, on February 8, 2018, she filed three submissions with the County Court in connection with the custody dispute.

First, respondent filed a reply to A.C.'s motion to dismiss, objecting to the rescheduling of the status conference "for the benefit of [A.C.'s] lawyer if he is NOT representing [A.C.]. He is either entering his appearance and therefore is a party to this action, or he is NOT and therefore is not properly a party to this action and cannot request that the [status conference] be re-scheduled for his benefit." Respondent also requested that the County Court either order Shih to provide A.C.'s address or deny his motion to dismiss "as lacking in standing[.]" Respondent further claimed, without support, that "there is no such thing as a [m]otion to [d]ismiss [. . .] for failing to serve the individual at this stage" of a "domestic relations case[.]"

Second, respondent filed a motion for service by publication based on her purported, unsuccessful efforts to locate and personally serve A.C. with the petition. Respondent's motion, however, failed to comply with Colo. R.C.P.

4(g), which required her to file an affidavit detailing the efforts she made to effectuate service.

Third, respondent filed a notice of a hearing, attempting to ensure that the status conference remained scheduled for February 21, 2018, the same date that respondent knew that Shih was unavailable.

Following respondent's submissions, Shih was forced to contact the County Court to reschedule the status conference. On February 21, 2018, the County Court ordered respondent to coordinate the rescheduling of the status conference with the Court Clerk. Thereafter, the parties arranged to schedule the status conference for March 21, 2018.

On March 21, 2018, respondent and Shih attended the status conference. A.C., however, was not present due to lack of service. At the conclusion of the status conference, the County Court granted N.W. temporary custody of R.C. and ordered that respondent file a "[v]erified [m]otion for [s]ervice by [p]ublication within 14 days."

On March 29, 2018, respondent filed a new motion for service by publication, this time verified by N.W., but providing "scant detail" regarding her efforts to serve A.C. The County Court denied respondent's motion based on her failure to demonstrate that she had attempted to serve A.C. at his purported Denver address.

On April 13, 2018, Shih filed a petition for custody, on behalf of A.C., in the Denver District Court. Four days later, on April 17, 2018, Shih filed another motion to dismiss[6] the Arapahoe County Court matter based on respondent's failure to serve A.C. and based on Shih's belief that venue was properly situated in Denver, where N.W. allegedly was residing.

On May 16, 2018, the Denver District Court dismissed A.C.'s petition based on the pending County Court matter. On May 17, 2018, respondent filed an affidavit of service in the County Court matter, demonstrating that she had served A.C., on May 9, 2018, while attending a status conference for the Denver District Court matter.

In June 2018, the County Court scheduled a hearing for September 14, 2018 to determine proper venue. In advance of the hearing, on July 10, 2018, Shih filed a motion to compel N.W.'s "mandatory financial disclosures" along with "limited discovery" regarding venue. On July 26, 2018, the County Court granted Shih's motion in its entirety.

On July 28, 2018, respondent publicly filed with the County Court a submission entitled "[f]iling of [e]xhibits [r]egarding [v]enue[,]" which comprised documents containing N.W.'s personal information, including the

[6] The record does not reveal the outcome of Shih's initial, February 5, 2018 motion to dismiss.

last four digits of her social security number. Consequently, the County Court sealed respondent's filing and rendered it unavailable for public inspection.

On July 31, 2018, Shih filed a motion for sanctions, arguing that N.W.'s "financial disclosures were insufficient." In August 2018, respondent filed her reply to Shih's motion, arguing, without any support, that N.W. was not required to provide any financial disclosures, claiming that her financial information already had been provided to A.C. in a related child support enforcement matter. Respondent also argued that N.W. was required to provide discovery regarding venue only to the extent that she deemed such discovery "germane to the issue."

On September 9, 2018, a few days before the September 14, 2018 hearing regarding venue, respondent filed a motion to dismiss N.W.'s entire petition based on N.W.'s lack of financial resources to litigate the custody dispute. On September 13, 2018, the County Court dismissed N.W.'s petition, without prejudice, and canceled the venue hearing scheduled for September 14.

On September 27, 2018, Shih again filed a petition for custody on behalf of A.C. in the Denver District Court. Two days later, on September 29, 2018, the District Court issued a "standard form domestic relations case management order" that required the parties to (1) exchange "proof of income and expenses" with each other, (2) file a "sworn financial statement," and (3) exchange copies of documents listed in a "mandatory disclosure form."

Following a series of status conferences, on February 25, 2019, in reply to A.C.'s discovery requests for N.W.'s financial information and other issues regarding reallocation of parenting time, respondent filed a submission entitled "[o]bjection of [i]rrelevant [f]inancial [d]iscovery," in which she argued, without any support, that N.W.'s financial information was irrelevant to the resolution of the matter. On February 27, 2019, the District Court scheduled a hearing for May 8, 2019 to address the discovery dispute. However, prior to the scheduled hearing date, N.W. obtained full custody of R.C. after A.C. elected to relinquish his parental rights.

During the Colorado ethics hearing, N.W. testified that respondent was "very on top of" her case; explained her "options[;]" counseled her on how to save money; and followed her directions.

The OPDJ determined that respondent violated Colo. RPC 1.1 by claiming, in her February 8, 2018 reply to Shih's motion to dismiss N.W.'s County Court petition, that Shih had not entered his appearance in the matter and, thus, had no standing to advocate for A.C. The OPDJ found that respondent failed to understand that Shih had, in fact, entered his appearance in the County Court matter by filing the motion to dismiss. The OPDJ observed that respondent's "debates" with Shih regarding this issue demonstrated a "lack of understanding" of basic legal tenets.

Additionally, the OPDJ found that respondent violated Colo. RPC 1.1 by failing, in her February 8, 2018 motion for service by publication, to include an affidavit describing her efforts to effectuate service upon A.C., as Colo. R.C.P. 4(g) requires. The OPDJ observed that respondent's failure to do so overlooked "a straightforward yet crucial instruction" and constituted incompetence.

Finally, the OPDJ found that respondent violated Colo. RPC 1.1 by failing, in both the District and County Court custody matters, to disclose N.W.'s required financial information. The OPDJ reasoned that, because child custody disputes necessarily entail possible reallocation of child support payments, a reasonably competent lawyer would have appreciated the need to disclose such information. Respondent, however, instead filed "baseless" objections in both the County and District Court matters arguing that such information was irrelevant.

The OPDJ, however, declined to find that respondent violated Colo. RPC 8.4(d) by wasting judicial resources throughout the representation. The OPDJ observed that the prolonged litigation was the result of, among other factors, the "byzantine procedural history" of the County and District Court matters and the "dysfunctional dynamics between" respondent and Shih.

D. Respondent's Misconduct During the Prosecution of the Colorado Disciplinary Matter

On February 4, 2020, during the discovery phase of respondent's disciplinary matter, the Colorado Office of Attorney Regulation Counsel (the OARC)[7] sent respondent its expert report, which contained opinions regarding respondent's lack of competence in connection with the foregoing client matters. Following her review of the OARC's expert report, respondent contacted Colorado attorney Jody Brammer-Hoelter, Esq., her friend and mentor, requesting that she draft a rebuttal export report regarding respondent's competence. According to the Presiding Disciplinary Judge's (the PDJ) scheduling order, respondent's expert report was due on or before February 18, 2020.

On February 18, 2020, at 1:26 p.m., Brammer-Hoelter sent respondent an e-mail, inquiring about the format of her rebuttal expert report and cautioning, "I can draft a response based on general concepts, but I don't think I have the time to refute [the OARC's] report item by item. I'm assuming you will be signing the response?" At 2:32 p.m., respondent sent Brammer-Hoelter a five-page, draft rebuttal expert report, which respondent had drafted herself and which listed respondent as the author, and informed Brammer-Hoelter that "I

[7] In Colorado, the OARC is the equivalent of the OAE in New Jersey.

will keep working on it, and if you are okay with putting your name on it as an expert witness[,] that would be awesome." At 2:56 p.m., Brammer-Hoelter sent respondent a text message, stating "[i]s there any way you can get additional time? I can't sign something that I haven't had time to write." At 5:39 p.m., respondent sent Brammer-Hoelter a longer version of the draft expert report, which did not include Brammer-Hoelter's name or otherwise indicate that Brammer-Hoelter had authored the report.

At 6:56 p.m., despite Brammer-Hoelter's refusal to sign a report that she had not written, respondent filed and served the rebuttal expert report with the OARC and the OPDJ. The report stated that it was "prepared by Jody Brammer-Hoelter" and concluded as follows:

> Respectfully submitted,
> Jody Brammer-Hoelter
>
> [Ex.C¶¶15-16; Ex.D¶¶15-16.]

At 6:57, p.m., respondent sent Brammer-Hoelter an e-mail enclosing a copy of the rebuttable report that she had filed with Colorado disciplinary authorities just one minute earlier. In the subject line of her e-mail, respondent stated, "I hope this is ok. I got really worried and took a chance to file this." In the body of her e-mail, respondent advised Brammer-Hoelter that she would "provide everything that you need to support this as an expert report, but I do need your CV."

During the Colorado ethics hearing, Brammer-Hoelter testified that she neither drafted any portion of the rebuttal expert report nor authorized respondent to represent her as the author of the report. Brammer-Hoelter further testified that she was "alarmed and upset" when she reviewed respondent's e-mail. She also stated that she felt "angry and devasted" by respondent's behavior, not only because she spent time working on her own rebuttal expert report, but also because she felt that respondent had taken advantage of their friendship.

At approximately 8:00 p.m., Brammer-Hoelter sent respondent a reply e-mail, imploring her not to "file anything in my name" because she was still working on her own rebuttal expert report. Minutes later, at 8:13 p.m., Brammer-Hoelter sent respondent another e-mail:

> [Respondent], I am sorry, but your action of filing something under my name, without giving me the chance to read and revise (which I have been doing) makes it impossible to defend you against the [disciplinary] action. Please withdraw the filing, so that I don't have to contact the PDJ to do it myself. Thanks!
>
> [Ex.C¶18; Ex.D¶18.] (Emphasis added)

Early the next morning, on February 19, 2018, rather than withdraw the expert report, as Brammer-Hoelter had requested, respondent sent several e-mails to Brammer-Hoelter, asking to speak with her and volunteering to

withdraw or strike the report if Brammer-Hoelter did not feel comfortable with its contents.

Thereafter, at 10:33 a.m., the OARC sent respondent an e-mail, stating that, in accordance with the PDJ's scheduling order, expert reports were to be exchanged between the parties only and not filed directly with the PDJ. Fifteen minutes later, the OARC sent respondent another e-mail, claiming that she had failed to comply with "expert disclosure rules" because she had not included with the rebuttal report Brammer-Hoelter's resume, fee agreement, and time sheet reflecting the hours that she had billed for her services.

Minutes later, at 10:50 a.m., respondent sent the PDJ an e-mail, requesting that the PDJ "reject" her filing based solely on her misunderstanding that expert reports "were only to be exchanged between the parties."

Respondent, however, failed to withdraw the fabricated report she had filed with the OARC, as Brammer-Hoelter had requested.

At 11:54 a.m., respondent sent the OARC another e-mail, stating that she was in the process of gathering the expert disclosures requested by the OARC, and noting that Brammer-Hoelter had "a family member crisis and I haven't been able to reach her today."

At "[a]round lunchtime" on February 19, 2020, the OARC contacted Brammer-Hoelter and independently discovered that she had not written,

reviewed, or authorized her name or signature to be placed on the rebuttal report. At 2:32 p.m., the OARC then sent respondent an e-mail, advising her of its discovery. At 3:42 p.m., respondent finally withdraw the report via an e-mail to the OARC and the PDJ.

The OPDJ determined that respondent violated Colo. RPC 3.4(b), Colo. RPC 8.1(a), and Colo. RPC 8.4(c) by knowingly misrepresenting to the OARC and to the PDJ that Brammer-Hoelter had authored the rebuttal expert report, despite the fact that Brammer-Hoelter neither had reviewed the report nor had authorized respondent to submit any version of the report under her name. The OPDJ also found that respondent compounded her deception by assuring the OARC that she was working to obtain the expert disclosures, even though Brammer-Hoelter had insisted, the night before, that respondent withdraw the report.

The OPDJ emphasized that respondent's submission of her falsified expert report to disciplinary authorities carried a presumptive sanction of disbarment. In determining whether to impose disbarment, the OPDJ weighed, in aggravation, the broad range of misconduct across each of the client matters, respondent's prior six-month suspension in connection with Colorado I, and her "steadfast[] refus[al] to acknowledge the wrongful nature of any of her conduct."

Indeed, the OPDJ found that respondent displayed remorse only for her acts of deception towards Colorado disciplinary authorities.

The OPDJ further found that respondent had a "heightened awareness of her professional duties[,]" given that she had failed to provide Nehme with a written fee agreement while on disciplinary probation, in Colorado I, for that same offense. The OPDJ, thus, questioned whether respondent was "willing and able to conform her behavior to the Rules of Professional Conduct."

Additionally, the OPDJ determined that respondent's handling of the Porter matter "dropped far below bare minimum standards of competence and professionalism[,]" while her conduct in the Carmichael and Shih matters demonstrated "a heedless disregard for court procedures and rules."

Nevertheless, the OPDJ considered the "limited" duration of respondent's deception to Colorado disciplinary authorities. In that vein, the OPDJ found that respondent did not submit the falsified expert report to conceal any specific misconduct. Instead, respondent did so out of "desperation" and the "great stress" of having defend herself in the disciplinary proceeding.

Balancing the aggravating and mitigating factors, the OPDJ imposed a three-year suspension, concluding that respondent was both a "zealous lawyer who esteems her clients above all else," and a "lawyer who has a low regard for her own profession and the legal system that she has sworn to uphold." The

OPDJ highlighted that respondent repeatedly "sacrificed her duties as an officer of the court on the altar of her client's wishes" and, when she received adverse rulings, she blamed opposing counsel or claimed that the result was caused by "'home cooking,' denigrating the courts and the judicial system." Most egregiously, when respondent perceived that her law license was threatened, the ODPJ found that she acted rashly by falsifying evidence in her own disciplinary proceeding.

On June 18, 2021, the Colorado Supreme Court issued an order adopting the OPDJ's decision and suspending respondent for three years for the totality of her misconduct. People v. Layton, 494 P.3d 693 (2021).

On August 13, 2021, respondent notified the OAE of her suspension, as R. 1:20-14(a)(1) requires, and expressed her intent to retire and cease the practice of law.

In support of its recommendation for either a censure or a three-month suspension, the OAE analogized respondent's acts of deception towards Colorado disciplinary authorities to the attorneys in In re Bar-Nadav, 174 N.J. 537 (2002), and In re Rinaldi, 149 N.J. 22 (1997), who both received three-month suspensions for submitting fictious letters to disciplinary authorities in an attempt to defend against their failure to diligently handle client matters. The OAE argued that, like Bar-Nadav and Rinaldi, respondent knowingly submitted

a falsified document to Colorado disciplinary authorities in an attempt to defend against her misconduct in the underlying client matters. The OAE emphasized that, following her submission of the falsified expert report, respondent continued to mislead the OARC regarding the authenticity of the report by stating that she would obtain the required expert disclosures. The OAE also stressed that, rather than come forward and withdraw the expert report on her own accord, Colorado disciplinary authorities independently discovered respondent's deception after speaking with Brammer-Hoelter.

The OAE, however, argued that respondent's deception spanned only one day and did not involve the commission of any criminal acts, as occurred in In re Katsios, 185 N.J. 424 (2006), where the attorney received a two-year suspension for submitting altered bank records to the OAE to conceal the improper distribution of escrow funds. Moreover, the OAE argued that respondent's misconduct in connection with the underlying client matters constituted "single instances of violations," which, collectively, do not warrant a long term of suspension.

Additionally, the OAE urged, as aggravation, respondent's lack of remorse for her actions in the underlying client matters and her ill-conceived attempt to deceive Colorado disciplinary authorities with her fabricated expert report. However, the OAE offered, as mitigation, her otherwise good reputation

and character, the stress and anxiety she experienced during the prosecution of her Colorado II disciplinary matter, and the fact that she was ordered to pay European a $10,500 counsel award in connection with the Porter matter.

In respondent's February 3, 2023 e-mail submission to us, she did not oppose the imposition of reciprocal discipline in New Jersey in the form of a three-year suspension, retroactive to June 18, 2021, the effective date of her three-year suspension in Colorado II. Respondent also expressed her intent to cease the practice of law in Colorado and in New Jersey, where claimed she has not practiced since September 2001.

Additionally, respondent criticized the OARC for conducting its ethics investigation for more than two years before filing formal disciplinary complaints consisting of allegations underlying multiple client matters. Respondent also expressed her view that her Colorado ethics attorney, who she claimed was a former OARC lawyer, incompetently represented her during the ethics hearing. Specifically, respondent questioned her attorney's strategic decisions not to call certain witnesses or to present certain documents into the Colorado evidentiary record. Respondent also alleged that her attorney did not appropriately cross-examine the OARC's witnesses or object to its exhibits.

Respondent, however, conceded that her "expert report submission was a mistake on my part that I am very sad about." Respondent also "accepted the

findings of the [Colorado Supreme] Court" and stated that, "despite my concerns about my defense, I take full responsibility for the mistakes that I made[.]"

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).

In Colorado, as in New Jersey, the standard of proof in attorney disciplinary proceedings is clear and convincing evidence. People v. Distel, 759 P.2d 654, 661 (Colo. 1988).

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.

As a preliminary matter, we find that subsection (D) is inapplicable in this matter. Despite respondent's criticisms of her counsel's performance, nothing in the record before us suggests that the procedure followed in Colorado was so lacking in notice or opportunity to be heard as to constitute a deprivation of respondent's due process rights. Specifically, the OARC filed two detailed ethics complaints against respondent, the first addressing the three underlying client matters and the second addressing respondent's attempt to deceive Colorado disciplinary authorities. Respondent, through counsel, filed detailed answers and, thereafter, the OPDJ conducted a two-day ethics hearing, during which respondent had the opportunity to cross-examine witnesses and to mount a defense. Based on the record before us, respondent's criticisms of her attorney's strategic decisions do not, standing alone, indicate that the Colorado disciplinary proceedings resulted in a deprivation of due process.

However, in our view, subsection (E) applies in this matter because respondent's unethical conduct warrants substantially different discipline in our jurisdiction. Unlike Colorado, in New Jersey, falsifying evidence in disciplinary proceedings does not carry the presumptive sanction of disbarment. Nevertheless, based upon New Jersey's disciplinary precedent, respondent's egregious falsification of her expert report to Colorado disciplinary authorities, as exacerbated by her failure to adhere to minimum standards of good faith and professionalism throughout the underlying client matters, warrants the imposition of a one-year suspension in New Jersey.

In the Carmichael matter, respondent violated RPC 8.4(d) by repeatedly threatening Carmichael with baseless disciplinary charges as an attempt to gain an advantage in J.E.'s custody dispute.

Specifically, on January 8, 2018, two days before the scheduled hearing date on respondent's motions to restrict and/or modify C.E.'s parenting time, respondent and Carmichael exchanged a series of e-mails in which Carmichael noted that C.E had agreed to allow C.E., Jr., to remain with J.E. pending the outcome of a formal custody hearing. Based on that agreement, on January 10, 2018, respondent withdrew her motion to restrict C.E.'s parenting time, and the District Court denied respondent's motion to modify C.E.'s parenting time as procedurally barred.

Thereafter, between January 11 and 14, 2018, following respondent's unsuccessful efforts to obtain a protective order prohibiting C.E. from contacting C.E., Jr., respondent sent Carmichael several threatening e-mails attempting to enforce their agreement. In her January 11 e-mail, respondent threatened to file an ethics grievance against Carmichael if C.E. did not execute the agreement "by close of business today." Although Carmichael cautioned respondent not to "threaten the opposing party," respondent replied by claiming that her intent to file a grievance was not merely a "threat[,]" but a "guarantee" based on her view that Carmichael had violated Colo. RPC 4.1 and Colo. RPC 8.4 by purposely misrepresenting C.E.'s willingness to enter into the agreement.

In her January 12 e-mails to Carmichael, respondent's threats persisted, noting that, unless Carmichael agreed "to the proposal you promised me you would send on behalf of your client," respondent would file a "complaint to the bar[.]" Although Carmichael advised respondent that she no authority to execute any agreement without C.E.'s authorization, respondent again threatened to file an ethics grievance unless Carmichael chose to "honor" her "promise to me." Respondent, however, allowed Carmichael to have the "weekend to think about it[.]"

On January 14, 2018, respondent again informed Carmichael that she would report her "conduct to the [OARC]." Carmichael again advised

respondent not to threaten her, to which respondent replied "[i]t is not a threat. I will file our grievance on Tuesday."

Respondent's impermissible tactic was a clear attempt to leverage the Colorado attorney disciplinary system to achieve a positive outcome for her client. Such conduct consistently has been found to violate RPC 8.4(d). See A.C.P.E. Opinion 721, 204 N.J.L.J. 928 (June 27, 2011), and In re George, 174 N.J. 538 (2002) (the attorney violated RPC 8.4(d) by threatening to file an ethics grievance against her adversary in order to intimidate her adversary).

However, we determine to dismiss the charge that respondent violated RPC 1.1(a) by failing to timely file J.E.'s petition for review of the District Court's November 17, 2017 order, which determined that J.E. had interfered with C.E.'s parenting time and ordered that J.E. reimburse C.E. for counsel fees.

In New Jersey, a simple act of neglect does not, by itself, constitute unethical conduct – in this case, gross neglect – in violation of RPC 1.1(a). See In the Matter of Marc Z. Palfy, DRB 15-193 (March 30, 2016) (dismissing an RPC 1.1 (a) charge based on an attorney's filing of an incomplete bankruptcy petition and his failure to reply to the notice of missing documents, resulting in the dismissal of the case; the petition was reinstated several weeks later, after which the matter proceeded in the normal course), so ordered, 225 N.J. 611 (2016).

Here, on December 1, 2017, respondent filed with the District Court a request for an extension of time to file a petition for review of the November 17 order. On December 7, 2017, the District Court issued on order providing respondent "an extension of 14 days from the date of [its] order" to file her petition. On December 27, 2017, six days after the December 21 deadline, respondent filed a "[r]equest for [c]larification" of the December 7 order, claiming that the order did not state a specific deadline and that she had intended to seek an extension, until January 7, 2018, to submit her petition, in order to obtain the transcript of the November 2017 hearing. On January 18, 2018, twenty-eight days after the December 21 deadline, respondent filed the petition.

Although respondent failed to file her petition by the clear December 21 deadline set by the District Court, the record is unclear whether the District Court ruled upon her December 27 "[r]equest for [c]larification[,]" in which she appeared to seek another extension, until at least January 8, to file her petition, in order to obtain the necessary transcript. Likewise, the record is unclear whether the District Court eventually considered respondent's belated petition on the merits. Consequently, based on this record, without knowing what harm, if any, J.E. suffered by respondent's less than thirty-day delay in filing the equivalent of a New Jersey motion for reconsideration, we determine that there is insufficient evidence to find, by clear and convincing evidence, that

respondent violated RPC 1.1(a).

In the Porter matter, respondent violated RPC 1.4(b) and RPC 1.4(c) by her near total failure to communicate with Nehme, Salim's sole owner, her only client throughout the County and District Court litigation. Although Nehme had an "extreme aversion" to discussing the litigation and permitted Huffer, who had brokered automobile sales for Nehme, to coordinate the litigation with respondent, on his behalf, that arrangement did not relieve respondent of her obligation to keep Nehme informed of the significant developments of his case.

Specifically, prior to trial in the County Court matter, respondent and Huffer attended mediation, without Nehme's knowledge. Following the June 2016 County Court trial, as Nehme was walking out of the courtroom, he had intended to immediately pay the $5,905.45 judgment. However, respondent failed to have any substantive discussions with Nehme regarding the judgment and, instead, merely promised to contact him later, which she failed to do. Following the issuance of the County Court's judgment, respondent unsuccessfully appealed the judgment to the District Court, without Nehme's knowledge. Thereafter, at Huffer's sole request, respondent unsuccessfully attempted to seek further appellate review before the Colorado Court of Appeals, again without seeking Nehme's approval.

On May 2, 2017, following the unsuccessful appeals, Bynum served creditor interrogatories on Nehme, in an attempt to collect on the County Court judgment. Nehme sent the interrogatories to Huffer, who, in turn, sent them to respondent. However, respondent altogether failed to contact her client, Nehme, to offer assistance in completing the interrogatories. Instead, on May 31, 2017, respondent filed with the County Court a request for a sixty-day extension to complete the interrogatories, in which she falsely asserted – as a litigation tactic – that she had learned of the interrogatories only a few days earlier, on May 19, 2017. Meanwhile, in July 2017, respondent filed a District Court complaint on behalf of Salim's and against European, again without Nehme's knowledge, in an attempt to recoup the County Court judgment amount previously assessed against Salim's.

By November 2017, when respondent had withdrawn as counsel following the breakdown in her relationship with Huffer, Nehme was left to communicate directly with Porter, Bynum, and European's attorney regarding the District Court litigation that he no longer wished to pursue and the County Court judgment that he had, from the outset, intended to satisfy. Respondent's near total failure to keep Nehme apprised of almost all aspects his case deprived him of the ability to make informed decisions regarding the litigation concerning his automotive business.

Further, respondent violated RPC 1.5(b) by failing to set forth, in writing to Nehme, the basis or rate of her legal fee. As the OPDJ determined, respondent's prior, unsigned fee agreement with Huffer was wholly insufficient to notify Nehme of the nature of her legal fee in connection with the litigation involving Salim's, during which Huffer, at all times, remained a non-client.

Additionally, respondent violated RPC 3.1 by filing a frivolous District Court complaint on behalf of Salim's and against European for its alleged improper installation of Salim's used engine in Bynum's Mercedes Benz. Despite the total lack of privity between Salim's, the entity which sold Bynum the used car engine, and European, the entity which installed the engine in Bynum's vehicle, respondent's complaint alleged that European was liable to Salim's for $50,000 in damages based on a breach of contract and fiduciary duty, general negligence and negligent entrustment, and civil conspiracy and promissory estoppel.

As the Colorado Court of Appeals observed, respondent's complaint was wholly frivolous because no contract, equitable promise, or fiduciary relationship existed between Salim's and European, which owed no duty of care to Salim's. Similarly, the Court of Appeals found that no conspiracy existed to harm Salim's. Moreover, as Huffer testified during the Colorado ethics hearing, respondent included the $50,000 damage figure to the complaint simply to

"freak [European] out a bit more," even though the total amount of the June 2016 County Court judgment assessed against Salim's was a mere $5,905.45.

As the OPDJ determined, respondent's District Court complaint was neither grounded in sound legal analysis nor even a rudimentary factual investigation. Instead, respondent filed the complaint based solely on her desire to preserve her relationship with Huffer, who blamed respondent for the outcome of the County Court litigation.

Respondent's frivolous District Court litigation persisted for nearly nine months, resulted in extensive motion practice and at least one court hearing, and delayed Bynum's ability to collect on his County Court judgment against Salim's, all of which resulted in an enormous waste of judicial resources, in violation of RPC 8.4(d). Had respondent simply communicated with Nehme, following the issuance of the County Court judgment, she would have discovered that Nehme had intended to immediately pay the judgment "then and there[,]" which would have concluded the litigation, conserved judicial resources, and saved Nehme from paying $1,361.23 in accrued judgment interest.

However, we determine to dismiss the charge that respondent violated RPC 1.6(a) by improperly revealing confidential client information, as alleged by the OAE. The OPDJ found that respondent violated Colo. RPC 1.6(a) by

revealing, in her March 22, 2018 reply to European's motion for counsel fees, that Huffer had become verbally irate at respondent following respondent's filing of the District Court complaint. The OPDJ reasoned that respondent was not permitted to reveal that Huffer had made such verbal attacks, which had no bearing on the merits of a counsel fee award.

In our view, the mere fact that respondent revealed that Huffer, a non-client, had become verbally irate toward respondent is not the type of confidential information RPC 1.6(a) was designed to protect, particularly when respondent did not reveal the substance of any client conversations or, for that matter, the substance of Huffer's verbal attacks. Consequently, we determine to dismiss the RPC 1.6(a) charge.

Additionally, we determine to dismiss the RPC 1.1(a) charge based on (1) respondent's filing of the December 8, 2015 motion to dismiss Bynum's County Court complaint, even though Colorado County Court procedural rules prohibit any responsive pleading other than an answer, and (2) respondent's appeal of the District Court's February 2017 decision, which affirmed the County's Court's June 2016 judgment, directly to the Colorado Court of Appeals, even though such appeals may be made only by way of a petition for certiorari to the Colorado Supreme Court.

As the OPDJ found, respondent's errors amounted to "procedural misstep[s]." However, such missteps, standing alone, did not appear to adversely affect the course of the litigation and, thus, do not demonstrate clear and convincing evidence of gross neglect.

Moreover, we determine that respondent did not violate RPC 1.1(a) by filing the frivolous District Court complaint. As detailed above, such misconduct is more precisely addressed by RPC 3.1 and RPC 8.4(d).

Finally, we determine to dismiss the RPC 1.1(a) and 3.4(d) charges based on respondent's efforts to evade Bynum's post-judgment creditor interrogatories. Specifically, respondent sought a 60-day extension with the County Court to answer the interrogatories based on her false assertion regarding the date in which she learned of the interrogatories. Thereafter, even after the interrogatories became due, and even after Bynum had filed a contempt action against Salim's for failing to pay the County Court judgment or to reply to the interrogatories, respondent continued to placate Huffer by having Nehme avoid his post-judgment obligations. Respondent's evasive efforts in this regard are more appropriately characterized as an attempt to thwart the administration of justice, rather than an effort to engage in gross neglect. Moreover, because RPC 3.4(d) prohibits lawyers from failing to make reasonably diligent efforts to comply with legally proper pre-trial discovery requests, respondent's failure to

comply with post-judgment interrogatories cannot, as a matter of law, implicate that Rule.

In the Shih matter, although respondent asserted frivolous issues and baselessly objected to basic discovery obligations throughout the custody dispute, we determine that there is no clear and convincing evidence that she violated RPC 1.1(a).

The OPDJ determined that respondent violated Colo. RPC 1.1 by baselessly claiming, in her February 8, 2018 reply to Shih's motion to dismiss respondent's custody petition, that Shih had not entered his appearance on behalf of A.C. and, thus, had no standing to advocate for A.C. The OPDJ also emphasized that respondent had engaged in frivolous "debates" with Shih, via e-mail, regarding whether he had entered his appearance on behalf of A.C. by filing a motion to dismiss.

As the OPDJ found, respondent's claim that Shih lacked standing to represent A.C. in connection with the very motion to dismiss he had filed on A.C.'s behalf, demonstrated a total lack of understanding of basic legal principles regarding entries of appearances. Respondent's frivolous argument in reply to Shih's motion to dismiss, however, is not appropriately characterized as gross neglect, in violation of RPC 1.1(a).

Moreover, respondent's failure to include, in her February 8, 2018 motion for service by publication, an affidavit describing her efforts to effectuate service upon A.C., as Colo. R.C.P. 4(g) required, does not, by itself, constitute gross neglect. As a preliminary matter, the record is unclear why Shih, A.C.'s attorney of record, could not provide respondent's custody petition to his own client. By contrast, the record makes clear that respondent was able to personally serve A.C., months later, during a May 2018 status conference in the related Denver District Court custody matter. Given that respondent's initial failure to personally serve A.C. did not appear to greatly impact the course of the custody litigation, we determine that respondent's procedural failure did not constitute gross neglect, in violation of RPC 1.1(a).

Finally, the OPDJ determined that respondent violated Colo. RPC 1.1 by baselessly objecting to her discovery obligations to provide N.W.'s required financial information in connection with both the County and District Court custody matters.

Specifically, in July 2018, the County Court granted Shih's motion to compel, among other things, N.W.'s "mandatory financial disclosures." Thereafter, respondent filed a public submission containing N.W.'s personal information, including the last four digits of her social security number, which filing the County Court independently sealed to protect N.W.'s identity. When

Shih objected to respondent's filing as "insufficient," respondent baselessly argued that N.W. was not required to provide the court ordered financial information because such information had been filed in a related child support enforcement matter. Shortly after respondent filed her baseless objection, N.W. withdrew her entire petition, which concluded the County Court litigation.

Following the County Court litigation, Shih filed a custody petition, on behalf of A.C., in the Denver District Court, which issued a September 29, 2018 case management order requiring the parties to exchange their financial information. In February 2019, following A.C.'s formal discovery request for N.W.'s financial information, respondent again objected to the disclosure of such information as irrelevant. Although the District Court scheduled a May 2019 hearing to resolve the discovery dispute, A.C. relinquished his parental rights before the scheduled date of the hearing.

Here, respondent's baseless efforts to obstruct the normal discovery process in connection with N.W.'s custody litigation is more appropriately characterized as an attempt to obstruct the administration of justice, rather than gross neglect. Fortunately for respondent, however, her behavior did not result in a significant waste of judicial resources because both the County and District Court matters concluded, for unrelated reasons, shortly after respondent asserted her baseless objections.

The crux of respondent's misconduct was her attempt to falsify evidence in connection with the prosecution of her Colorado II disciplinary matter. Specifically, respondent violated RPC 3.4(b), RPC 8.1(a), and RPC 8.4(c) by knowingly misrepresenting to the OARC and to the PDJ that Brammer-Hoelter had authored an expert report regarding respondent's competence throughout the underlying client matters, even though Brammer-Hoelter neither had reviewed the report nor had authorized respondent to list her name on the report.

Specifically, on February 18, 2020, the same date that respondent's expert report was due to the OARC, respondent sent Brammer-Hoelter a draft version of an expert report, via e-mail, and inquired whether Brammer-Hoelter was willing to ascribe her name on the report. Minutes later, Brammer-Hoelter replied that she could not sign her name on a report that she did not have time to draft and requested that respondent seek an extension of the February 18 deadline. Hours later, rather than attempt to obtain an extension, respondent took it upon herself to file with the PDJ and the OARC an expert report that she herself had drafted, which falsely stated that it was prepared and submitted by Brammer-Hoelter. One minute later, in a separate e-mail to Brammer-Hoelter, respondent attached the fabricated report and informed her that she "got really worried and took a chance to file this." Approximately ninety minutes later, Brammer-Hoelter requested that respondent withdraw the filing.

The next morning, respondent failed to withdraw the report and, instead, continued to engage in deception regarding its authenticity. Specifically, the OARC contacted respondent regarding unrelated deficiencies with the report, including the fact that expert reports could be exchanged only between the parties and not sent to the PJD. Although respondent requested that the PJD reject her report based solely on that misunderstanding, respondent failed to withdraw the report with the OARC. Respondent then compounded her deception by claiming to the OARC that she was in the processing of gathering Brammer-Hoelter's required expert information, including her resume, fee agreement, and timesheet reflecting the hours that she had billed for her services. Later that day, the OARC contacted Brammer-Hoelter and independently discovered respondent's attempt to fabricate evidence.

In sum, we find that respondent violated RPC 8.4(d) in connection with the Carmichael matter; RPC 1.4(b), RPC 1.4(c), RPC 1.5(b), RPC 3.1, and RPC 8.4(d) in connection with the Porter matter; and RPC 3.4(b), RPC 8.1(a), and RPC 8.4(c) in connection with the prosecution of her Colorado II disciplinary matter. We determine to dismiss the allegations that respondent violated RPC 1.1(a) in connection with all three client matters and RPC 1.6(a) and RPC 3.4(d) in connection with the Porter matter.

The sole issue left for determination is the appropriate quantum of discipline for respondent's misconduct.

Attorneys who fabricate documents to deceive disciplinary authorities have received discipline ranging from a censure to a long term of suspension, depending on the gravity of the offense. See, e.g., In re Homan, 195 N.J. 185 (2008) (censure for attorney who fabricated a promissory note reflecting a loan to him from a client, forged the signature of the client's attorney-in-fact, and provided the note to the OAE during the investigation of a grievance against him; for several months, the attorney continued to mislead the OAE, claiming that the note was authentic and that it had been executed contemporaneously with its creation; ultimately, the attorney admitted his impropriety to the OAE; compelling mitigating factors were considered, including the attorney's impeccable forty-year professional record, the legitimacy of the loan transaction connected to the note, the fact that the attorney's fabrication of the note was prompted by his panic at being contacted by the OAE, and his embarrassment over his failure to prepare the note contemporaneously with the loan); In re Bar-Nadav, 174 N.J. 537 (2002) (three-month suspension for attorney who submitted two fictitious letters to the District Ethics Committee (the DEC) in an attempt to justify his failure to file a divorce complaint on behalf of his client; the attorney also failed to withdraw from the representation upon being discharged

by a separate client; finally, the attorney failed to communicate with two clients; in mitigation, the attorney was young and inexperienced and had no prior discipline); In re Rinaldi, 149 N.J. 22 (1997) (three-month suspension for attorney who failed to diligently pursue a matter, made misrepresentations to a client about the status of the matter, and submitted three fictitious letters to the DEC to falsely demonstrate that he had worked on the matter; no prior discipline); In re Vapnar, 231 N.J. 161 (2017) (one-year suspension for attorney who concealed mail from his supervisor and created several fictitious documents, which he placed in multiple clients' files, to deceive his supervisor into believing that he was diligently handling the clients' matters; the supervisor filed a grievance against the attorney, who transmitted the fictious documents to the DEC to conceal his incompetence; the attorney steadfastly maintained the facade that the documents were legitimate throughout much of the disciplinary proceedings; the attorney also allowed the complaints of three of his clients to be dismissed because of his incompetence, failed to inform each of the clients of the dismissals, and failed to take any action to restore the complaints; during one of the client matters, the attorney misrepresented to a court that his inability to comply with discovery requests was the result of his client's failure to cooperate with him; in a fourth client matter, the attorney failed to appear for trial, resulting in the issuance of a default judgment against his client; the

attorney failed to inform the client of the default judgment, failed to take any steps to vacate the default, and misrepresented his identity as that of his supervisor when he appeared before a court); In re Katsios, 185 N.J. 424 (2006) (two-year suspension for attorney who prematurely released a buyer's deposit he held in escrow for a real estate transaction; the attorney sought to conceal his misdeed by falsifying bank records and trust account reconciliations to mislead the ethics investigator into believing that the funds had remained in escrow).

Respondent, however, also filed a frivolous District Court complaint in the Porter matter. Attorneys who have filed frivolous litigation have received reprimands or censures, including if their conduct results in the prejudicial administration of justice. See In re Loigman, 224 N.J. 271 (2016) (reprimand for attorney who, following the dismissal of an abuse and neglect complaint filed by a state agency, filed a second abuse and neglect complaint, on behalf of the same child; the attorney did not serve the complaint, which listed no named defendants and which generally alleged that the child suffered "extreme" abuse because the child's parents were unwilling to accommodate the child's desire to practice a particular form of Judaism; the attorney also filed a notice of claim, pursuant to the New Jersey Tort Claims Act, alleging that the child had been the victim of repeated, unspecified acts of abuse by his parents, against which the Ocean County Prosecutor had failed to protect him; we determined that, as a

matter of law, the parent's refusal to accommodate the child's religious preferences did not constitute abuse; we also found that the attorney's failure to name the parents as defendants and to serve them with the complaint was a clear attempt to deny the parents due process; although the attorney did not repeatedly file the same actions in defiance of court orders or engage in other serious misconduct, the attorney continued to exhibit "a measure of hubris" in connection with his representation); In re Giannini, 212 N.J. 479 (2012) (censure for attorney who made numerous unprovoked, inflammatory, and fictitious statements about various judges and parties in post-judgment pleadings that the attorney had filed on behalf of his sister; the attorney also made repeated, frivolous discovery requests to judges who had no nexus to the litigation; the attorney further made knowingly false, outrageous statements in his post-judgment pleadings by alluding to matters that were either irrelevant or unsupported by admissible evidence; finally, the attorney improperly attempted to compel his adversary and her counsel to withdraw their ethics grievance against him; the attorney displayed an "arrogant failure" to recognize his wrongdoing, given that he had "doubled down" on his baseless views of the New Jersey judiciary and of the disciplinary system in his brief to us).

Finally, attorneys who threaten to leverage the attorney disciplinary system to achieve positive outcomes for their clients have received admonitions

or reprimands. See In the Matter of David Perry Davis, DRB 17-392 (Feb. 20, 2018) (admonition for attorney who attempted to induce his adversary to immediately dismiss a temporary restraining order against his client by threatening a potential six-month law license suspension against the adversary; in mitigation; the attorney's conduct, although ill-conceived, was aberrational); In re Ziegler, 199 N.J. 123 (2009) (reprimand for attorney who threatened to file ethics charges against the adversary solely to intimidate the adversary and the client and to effect the course of the litigation; the attorney also accused the adversary's client of being "an unmitigated liar;" finally, the attorney told that client that he would "cut [her] up into bits and pieces, put [her in] a box and send [her] back to India and [her] parents won't recognize [her]").

The attorneys in Bar-Nadav and Rinaldi received three-month suspensions and the attorney in Vapnar received a one-year suspension for sending fictious documents to disciplinary authorities in an attempt to conceal their neglect of client matters. Like those attorneys, respondent falsified Brammer-Hoelter's expert report to Colorado disciplinary authorities in an attempt to demonstrate that she had acted competently throughout the underlying client matters. Although respondent submitted fewer fictitious documents to disciplinary authorities than Bar-Nadav, Rinaldi, or Vapnar, respondent's misconduct was no less serious. Respondent defied the instructions of her own expert by

submitting the report to Colorado disciplinary authorities, in Brammer-Hoelter's name, even though Brammer-Hoelter specifically had informed respondent that she could not sign a document that she did not draft. Rather than request an extension of the deadline to submit the expert report, as Brammer-Hoelter had requested, respondent took it upon herself to submit the report that she alone had drafted and then falsely claimed that Brammer-Hoelter had authored the report.

Making matters worse, rather than withdraw the expert report, as Brammer-Hoelter had pleaded, respondent refused to come forward and admit her deception. Rather, respondent continued to mislead the OARC regarding the authenticity of the report by claiming that she was in the process of compiling Brammer-Hoelter's required expert disclosures, including her resume and fee agreement. It was not until the OARC itself contacted Brammer-Hoelter that it had learned of respondent's deception. Consequently, although the duration of respondent's dishonesty spanned only one day, the OARC was forced to independently uncover respondent's misconduct.

Additionally, respondent's misconduct in the underlying client matters was far more egregious than that of the attorney in Bar-Nadav, who failed to communicate with two clients and withdraw from the representation upon being

discharged by a client, and Rinaldi, who engaged in a lack of diligence and made misrepresentations to a client in connection with one client matter.

By contrast, in the Carmichael matter, respondent repeatedly threatened her adversary with baseless disciplinary charges to intimidate her adversary into compelling her client to sign a custody agreement. Respondent, thus, attempted to leverage the attorney-disciplinary system in order to achieve a positive result for her client that she was unable to obtain through good faith litigation.

In the Porter matter, respondent failed, at almost every juncture, to advise Nehme of the significant developments of the litigation regarding his automotive business. Rather, respondent made almost every significant decision regarding the litigation after consulting with Huffer, a non-client who appeared to have a significant financial stake in Nehme's automotive business and who became irate at respondent following the unfavorable June 2016 $5,905.45 County Court judgment. Rather than discuss the judgment with Nehme, who had intended to immediately satisfy his obligation, respondent continued the litigation, at Huffer's insistence, and without Nehme's input, by appealing the County Court's judgment and by filing a frivolous District Court complaint against European for $50,000, an amount which far exceeded the County Court judgement and which respondent included solely to "freak [European] out a bit more." As the OPDJ observed, respondent filed the District Court complaint out

of a desire to preserve her relationship with Huffer and without any good faith legal or factual basis.

Meanwhile, in a further effort to placate Huffer, respondent evaded Bynum's creditor interrogatories to avoid having Nehme satisfy the County Court judgment. Specifically, approximately one week after the deadline to answer the interrogatories, respondent filed with the County Court a sixty-day extension request in which she falsely alleged that she had learned of the interrogatories only a few days before. Although the County Court granted the extension request, respondent continued to avoid her obligation to answer the creditor interrogatories, prompting Bynum to file an action for contempt against Salim's. By the end of November 2017, just weeks after respondent had withdrawn from the representation, Nehme began communicating, pro se, with Bynum's attorney, after which Nehme satisfied the County Court judgment, plus $1,361.23 in accrued interest, and expressed his intent to end the District Court litigation.

Throughout the Porter matter, respondent completely failed to determine Nehme's litigation objections and, instead, continued to follow Huffer's instructions, regardless of Nehme's wishes, the propriety of the District Court litigation, or her duty to comport herself honestly before the County Court. Respondent's impermissible tactics forced her client to pay needless post-

judgment interest and resulted in a complete waste of judicial resources to address her frivolous District Court complaint. Finally, as the OPDJ found, respondent denigrated the integrity of the Colorado judiciary by blaming adverse rulings in the Porter matter on her completely unsupported views of Colorado judges.

In the Shih matter, respondent baselessly refused to comply with her court ordered discovery obligations regarding N.W.'s financial condition in connection with her custody litigation. Respondent also baselessly claimed, in a County Court filing, that Shih lacked standing to defend his client in connection with the very same motion to dismiss that Shih himself had filed in opposition to respondent's custody petition.

Finally, although respondent has no prior discipline in New Jersey, in 2013, she received a six-month suspension in Colorado I, where she primarily practiced law.

Given respondent's outrageous deception to Colorado disciplinary authorities, her inability to comport herself professionally throughout multiple client matters, and her steadfast refusal to engage in the litigation process in good faith, we determine that a one-year suspension is the appropriate quantum of discipline necessary to protect the public and to preserve confidence in the bar.

Although respondent requested that we impose a retroactive term of suspension, because respondent was not temporarily suspended in connection with this matter, a retroactive suspension is inappropriate. See In re McWhirk, 250 N.J. 176 (2022) (the attorney's four-year term of suspension in connection with a motion for reciprocal discipline was imposed retroactive to his April 2016 temporary suspension for the same misconduct underlying the motion).

Members Menaker, Petrou, and Rodriguez voted for a six-month suspension.

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 Angelique Layton Anderson
Docket No. DRB 22-227

Argued: February 16, 2023

Decided: May 16, 2023

Disposition: One-year suspension

Members	One-Year Suspension	Six-Month Suspension
Gallipoli	X	
Boyer	X	
Campelo	X	
Hoberman	X	
Joseph	X	
Menaker		X
Petrou		X
Rivera	X	
Rodriguez		X
Total:	6	3

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