SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 24-032
District Docket No. XIV-2021-0286E

In the Matter of George L. Rodriguez
An Attorney at Law

Argued
November 21, 2024

Decided
December 16, 2024

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

Respondent did not appear for oral argument.

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Introduction

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

This matter was before us on a motion for final discipline filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-13(c)(2), following respondent's guilty plea and convictions, in the Superior Court of New Jersey, for (1) second-degree vehicular homicide, in violation of N.J.S.A. 2C:11-5(a); (2) third-degree causing death while driving with a suspended license, in violation of N.J.S.A. 2C:40-22(a); (3) third-degree insurance fraud, in violation of N.J.S.A. 2C:21-4.6(a); (4) third-degree vehicle title fraud, in violation of N.J.S.A. 2C:21-4.8(b)(1); and (5) fourth-degree operating a motor vehicle with a suspended license knowing that his license had been suspended for a second or subsequent conviction for driving while intoxicated (DWI), in violation of N.J.S.A. 2C:40-26(b). The OAE asserted that these offenses constitute violations of RPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer).

For the reasons set forth below, we determine to grant the motion for final discipline and conclude that a three-year suspension, retroactive to respondent's February 2, 2023 temporary suspension, is the appropriate quantum of discipline for his misconduct.

Ethics History

Respondent earned admission to the New Jersey bar in 1981 and has no disciplinary history. During the relevant timeframe, he worked for various telecommunications companies.[1]

On February 2, 2023, the Court temporarily suspended respondent from the practice of law in connection with his misconduct underlying this matter. In re Rodriguez, __ N.J. __ (2023).

Facts

In 2012, respondent was convicted of DWI, in violation of N.J.S.A. 39:4-50. Because this conviction represented his sixth DWI conviction, the trial court ordered that his driver's license be suspended for ten years.[2]

Eight years later, on December 27, 2018, while his driver's license remained suspended, respondent arranged for his friend to purchase a vehicle, on respondent's behalf, for respondent to operate. During the September 23, 2022 plea hearing underlying this matter, respondent admitted under oath that, in order to circumvent his license suspension, he arranged for his friend to

[1] The record before us is unclear whether respondent worked for those companies in an attorney capacity.

[2] In addition to other penalties, an individual convicted of a second DWI offense "shall" receive a one to two-year license suspension. An individual convicted of a third or subsequent offense "shall" receive an eight-year license suspension. N.J.S.A. 2C:39-4:50(a)(2)-(3).

"fraudulently register" and insure the vehicle under the friend's name and address. He also conceded that "this scheme was entirely [his] idea" and that he never informed his friend of his license suspension. Rather, he provided "some other reason" to his friend for directing him to fraudulently insure and register the vehicle.

Less than two years later, on the night of November 13, 2020, respondent, while driving the fraudulently registered and insured vehicle, drove into the oncoming traffic lane and struck another vehicle, head on, at approximately fifty miles per hour. Following the collision, police and paramedics arrived at the scene of the accident and transported the unresponsive victim to a hospital, where he later died. Meanwhile, respondent told one of the police officers on scene that he "went to turn and just hit" the victim's vehicle while "going the wrong way apparently." While obtaining respondent's information, the officer recognized him from "two separate alcohol related calls that [had] occurred at his residence last year." The officer then arranged for him to undergo lab testing, which revealed no drugs or alcohol in his system.

On March 18, 2021, a Somerset County Grand Jury indicted respondent for (1) second-degree vehicular homicide; (2) third-degree causing death while driving with a suspended license; (3) second-degree insurance fraud; (4) third-degree vehicle title fraud; and (5) fourth-degree operating a motor vehicle

knowing that his license had remained suspended for a second or subsequent DWI conviction.[3] Respondent failed to notify the OAE of his criminal indictment, as R. 1:20-13(a)(1) requires. Rather, the New Jersey Office of the Attorney General notified the OAE of the indictment.

On September 23, 2022, respondent appeared before the Honorable Peter J. Tober, P.J.Cr., and pleaded guilty as charged, except that the prosecution had agreed to amend the second-degree insurance fraud charge to third-degree insurance fraud.[4] Additionally, respondent pleaded guilty to reckless driving, in violation of N.J.S.A. 39:4-96, and driving with a suspended license, in violation of N.J.S.A. 39:3-40.

During the plea hearing, respondent allocuted that, at the time of the accident, he was "greatly [visually] impaired" and could "not see" because of a surgical operation to his eyes. Further, he noted that, until the night of the accident, he had not "driven at night" with that visual impairment, which had prevented him from "safely operat[ing] a [motor] vehicle." Finally, he admitted that, at the time of the accident, his license had remained suspended following his 2012 DWI conviction.

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[3] The grand jury also indicted his friend on charges of second-degree insurance fraud and third-degree vehicle title fraud.

[4] Pursuant N.J.S.A. 2C:21-4.6, insurance fraud constitutes a second-degree crime if the person "knowingly commits five or more acts of insurance fraud . . . and if the aggregate value of property, services or benefit wrongfully obtained or sought to be obtained is at least $1,000." All other acts of insurance fraud pursuant to N.J.S.A. 2C:21-4.6 constitute third-degree crimes.

On November 10, 2022, respondent appeared for sentencing, where he expressed his "sincere and remorseful apology" to the victim's family and maintained that he "accept[ed] full responsibility" for his criminal behavior. In turn, the prosecution argued that respondent had entangled his friend in his "criminal scheme to defraud the State of New Jersey and [an] insurance company" to allow himself to illegally operate a motor vehicle with a suspended license. The government also underscored the fact that respondent's conduct, tragically, culminated in a vehicular homicide. Additionally, the victim's sister described the devastating emotional and financial impact her brother's death had on her family, emphasizing that "their lives [would] never be the same" and that "the heartbreak and pain of losing [her brother would] be with our family forever."

Following the parties' arguments, Judge Tober sentenced respondent, in accordance with the plea agreement, to an aggregate five-year term of incarceration, with the requirement that he serve eighty-five percent before becoming eligible for parole, pursuant to the No Early Release Act. Further, Judge Tober ordered that, upon his release from prison, respondent undergo a three-year period of parole supervision. Finally, Judge Tober required respondent to pay $13,273 in restitution to the victim's family, and a total of $1,877 in fines and penalties.

In imposing sentence, Judge Tober weighed, in aggravation, the fact that respondent had six prior DWI convictions and five prior convictions for driving with a suspended license, demonstrating that he was at risk of committing another criminal offense. Judge Tober also found that respondent, who was sixty-eight years old, had a longstanding history of alcohol abuse, beginning when he was twenty-two years old. However, Judge Tober acknowledged that respondent had undergone alcohol abuse treatment and had attended Alcoholics Anonymous (AA) for the past five years. Although respondent had suffered occasional relapses, Judge Tober noted that respondent, who had remained incarcerated since his arrest in November 2020, was "currently sober." Additionally, Judge Tober found, in aggravation, that respondent had engaged in an act of fraud towards the State in an attempt to circumvent his license suspension. Judge Tober found no mitigating factors.

On December 27, 2022, respondent, through counsel, filed with the Appellate Division a timely notice of appeal challenging only his sentence. On September 19, 2023, following oral argument, the Appellate Division issued an order remanding the matter to the Superior Court for a "detailed statement of reasons" for its decision to consider respondent's history of committing DWIs as an aggravating sentencing factor. The Appellate Division also requested that

the Superior Court reconsider whether to merge respondent's conviction for reckless driving with his conviction for second-degree vehicular homicide.

On November 1, 2023, Judge Tober issued an amended judgment of conviction according "significant weight" to respondent's history of committing DWIs based on the principles set forth in State v. Pindale, 249 N.J. Super. 266, 288 (App. Div. 1991) (finding that, when the underlying criminal offense "involved the operation of a motor vehicle," the sentencing judge properly considered, as an aggravating factor, "the defendant's prior driving record"). Additionally, Judge Tober merged respondent's conviction for reckless driving with his conviction for second-degree vehicular homicide.[5] Respondent's aggregate sentence of incarceration, however, remained unchanged.

The Parties' Positions Before the Board

The OAE argued that respondent's criminal convictions constituted violations of RPC 8.4(b) and warrant the imposition of a two- or three-year suspension to adequately protect the public and preserve confidence in the bar. In support of its recommendation, the OAE analogized respondent's conduct to that of attorneys who have received two-year suspensions for causing fatal,

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[5] "The doctrine of merger is based on the concept that 'an accused [who] committed only one offense . . . cannot be punished as if for two.'" State v. Tate, 216 N.J. 300, 302 (2013) (quoting State v. Davis, 68 N.J. 69, 77 (1975)). Consequently, "[c]onvictions for lesser-included offenses . . . will merge" with the more serious offense. Id. at 306 (citation omitted).

alcohol-fueled motor vehicle accidents. The OAE contended that, although respondent was not intoxicated at the time he caused the fatal accident, his alcohol addiction, as evidenced by his six prior DWI convictions, "contributed to the extreme recklessness of his conduct."

The OAE maintained, however, that respondent's conduct was not as severe as the disbarred attorney in In re Koufos, 220 N.J. 577 (2015), who, after drinking at a local bar association function, seriously injured a pedestrian with his vehicle and attempted to have his friend take the blame for the accident. Unlike the attorney in Koufos, the OAE argued that respondent did not attempt to cover up the fatal accident or to shift blame to an innocent party. Nevertheless, the OAE emphasized that respondent attempted to circumvent his long-term license suspension by "manipulating a friend to purchase, register, and insure a vehicle for him," under false pretenses. In the OAE's view, such "dishonest conduct . . . may weigh strongly in favor of increasing" respondent's term of suspension from two to three years.

Additionally, the OAE argued that, like the attorney in In re Costill, 217 N.J. 354 (2014), who sought to minimize his responsibility for his serious vehicular crime, respondent, in his submissions to the Board, attempted to contradict his sworn admissions during the plea hearing by claiming that his vehicular homicide resulted simply from "temporary night blindness."

The OAE recommended that, prior to respondent's reinstatement, he be required to submit (1) proof of fitness to practice law, as attested to by a medical doctor approved by the OAE, and (2) proof of continuous attendance at an alcohol treatment program. Finally, the OAE recommended that, upon reinstatement, respondent be required to continue participating in an alcohol treatment program, for a two-year period, and until further Order of the Court.

In his submissions to us, respondent asserted that he accepted "full responsibility for his culpability and the consequences of his wrongful conduct."[6] Respondent characterized his criminal behavior as "a tragic automobile accident[,] which resulted in the heartbreaking and haunting death of an elderly man."

However, contrary to his sworn admissions during the plea hearing, respondent maintained that, in connection with his vehicular homicide, he "crossed over into [the] oncoming [lane of] traffic because his vision was impaired" as a result of "temporary night blindness caused by oncoming traffic's bright high beam lights." Respondent also claimed that the surgical procedure

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[6] Following the filing of the motion for final discipline in this matter, respondent filed an application for the appointment of counsel, due to his alleged indigency, with the Assignment Judge in the vicinage in which he formerly practiced law, pursuant to R. 1:20-4(g)(2). The Assignment Judge, however, denied his motion for failing to submit certain financial records concerning his alleged indigency, as the Rule requires. Thereafter, respondent filed a petition with the Court appealing the Assignment Judge's determination. On October 15, 2024, the Court denied his petition. We held this matter in abeyance during the pendency of respondent's applications for the appointment of counsel.

to his eyes "occurred more than twenty years ago" and "successfully restored [his] vision to normal . . . with a need only for reading glasses." Respondent further contended that he did not exceed the 50-mile-per-hour speed limit. However, he conceded that his "culpability for driving with a suspended driver's license on the night of the . . . accident is clearly established."

In support of his recommendation for either a three- or six-month suspension, respondent analogized his conduct to that of the attorney in In re Howard, 143 N.J. 526 (1996), who, as detailed below, received a three-month suspension based on her conviction for "death by auto[,] in violation of N.J.S.A 2C:11-5." Respondent argued that, although the Court, ultimately, imposed a three-month suspension in Howard, our decision in that matter recommended the dismissal of the motion for final discipline, reasoning that the criminal offense neither related to Howard's practice of law nor reflected on her fitness as a lawyer. Respondent also emphasized that, like the attorney in Howard, alcohol played no role in his vehicular homicide conviction.

Moreover, respondent expressed his view that his DWI history is irrelevant to his criminal conduct in this matter because he has remained sober and participated in AA and "other therapeutic" treatment programs since his 2012 DWI conviction. In respondent's view, any disciplinary suspension

requiring him to participate in an alcohol treatment program would be inappropriate, given that he "was not intoxicated on the night of the accident."

Additionally, respondent urged, in mitigation, his continued commitment to participating in sobriety programs and his lack of prior attorney discipline or convictions for committing criminal offenses (excluding DWIs). He emphasized, however, that he urged such mitigation "without minimizing the seriousness of the . . . haunting tragedy for the victim's family as well as for my own from the deadly underlying circumstances of the . . . automobile accident."

Finally, respondent argued that he has remained incarcerated since his November 13, 2020 arrest and, thus, had limited means to notify the OAE of his criminal charges. Respondent maintained that, "as soon as [he] was able to communicate[,] he wrote his first letter, dated December 10, 2022, to the [OAE] for additional time to answer its" inquiry concerning this matter.

Analysis and Discipline

Violations of the Rules of Professional Conduct

Following a review of the record, we determine to grant the OAE's motion for final discipline. Final discipline proceedings in New Jersey are governed by R. 1:20-13(c). Under that Rule, a criminal conviction is conclusive evidence of

guilt in a disciplinary proceeding. R. 1:20-13(c)(1); In re Magid, 139 N.J. 449, 451 (1995); In re Principato, 139 N.J. 456, 460 (1995).

Respondent's guilty plea and convictions, in the Superior Court of New Jersey, for (1) second-degree vehicular homicide; (2) third-degree causing death while driving with a suspended license; (3) third-degree insurance fraud; (4) third-degree vehicle title fraud; and (5) fourth-degree operating a motor vehicle with a suspended license, thus, establish violations of RPC 8.4(b). Pursuant to that Rule, it is professional misconduct for an attorney to "commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer."

In sum, we find that respondent violated RPC 8.4(b). Hence, the sole issue left for our determination is the extent of discipline to be imposed. R. 1:20-13(c)(2); Magid, 139 N.J. at 451-52; Principato, 139 N.J. at 460.

Quantum of Discipline

In determining the appropriate measure of discipline, we must consider the interests of the public, the bar, and respondent. "The primary purpose of discipline is not to punish the attorney but to preserve the confidence of the public in the bar." Principato, 139 N.J. at 460. Fashioning the appropriate penalty involves a consideration of many factors, including the "nature and

severity of the crime, whether the crime is related to the practice of law, and any mitigating factors such as respondent's reputation, . . . prior trustworthy conduct, and general good conduct." In re Lunetta, 118 N.J. 443, 445-46 (1989).

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

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

not directly involve the practice of law or affect his or her clients. In re Schaffer, 140 N.J. 148, 156 (1995).

As a threshold matter, we decline to accord any weight to respondent's assertion that his conviction for second-degree vehicular homicide resulted simply from "temporary night blindness" caused by oncoming traffic. R. 1:20-13(c)(2) provides, in pertinent part, that in a motion for final discipline:

> [t]he sole issue to be determined shall be the extent of final discipline to be imposed. The Board and the Court may consider any relevant evidence in mitigation that is not inconsistent with the essential elements of the criminal matter for which the attorney was convicted or has admitted guilt as determined by the statute defining the criminal matter.

Here, during the plea hearing, respondent allocuted, under oath, that his vehicular homicide resulted from his inability to see because his vision was "greatly impaired" as a result of a surgical operation to his eyes. Indeed, until the night of the fatal accident, respondent testified that he had not "driven at night" with that visual impairment, which prevented him from safely operating a motor vehicle. Because respondent's assertion is directly contrary to his sworn admissions during the plea hearing, we decline to accord any weight to his contention that his conviction for vehicular homicide resulted merely from "temporary night blindness." Indeed, it is extremely troubling that, despite his unambiguous plea allocution, respondent, in the context of disciplinary charges

against him, has attempted to refute part of the circumstances underlying his serious criminal conduct, in clear violation of R. 1:20-13(c)(2). See also In re Daley, __ N.J. __ (2021), 2021 N.J. LEXIS 1330 (according substantial aggravating weight to the fact the attorney improperly sought to aggressively refute the knowing element of the criminal charges to which he pleaded guilty as merely an "inadvertent mistake").

Additionally, we find that In re Howard, 143 N.J. 526 (1996), on which respondent relies, is distinguishable. In that matter, in 1989, following an argument with her husband, Howard unintentionally struck him with her vehicle while she was exiting the driveway of a health clinic. Id. at 528. At trial, Howard "maintained that her husband stepped in front of the car as she was accelerating, and that she did not see him because she was reaching over in an attempt to close the . . . passenger door." Id. at 528-29. A jury acquitted Howard of murder but convicted her of death by auto, in violation of N.J.S.A. 2C:11-5. Id. at 529. Howard was sentenced to a five-year term of probation along with 500 hours of community service, $17,500 in fines and penalties, and the revocation of her driving privileges for two years. Ibid.

In imposing a three-month suspension, the Court noted that, although alcohol played no role in Howard's conduct, her "recklessness . . . result[ed] in the death of another human being[,] and that recklessness brings substantial

disrepute to the bar generally." Id. at 533. The Court also observed that "the discipline imposed should reflect the seriousness of the societal norms transgressed." Ibid. Indeed, the Court noted that the Legislature recently had amended N.J.S.A. 2C:11-5 to make a violation of that statute a second-degree criminal offense. Id. at 531. However, at the time of Howard's criminal offense, in 1989, "the Legislature had not yet made vehicular homicide a second-degree crime." Ibid. Consequently, the Court imposed a three-month suspension and announced that "[l]onger suspensions will be called for when alcohol plays an aggravating role in a vehicular homicide case." Ibid.

In our view, respondent's conduct clearly was more egregious than that of Howard, whose conviction for death by auto did not result from any visual impairment. By contrast, respondent's conviction for second-degree vehicular homicide stemmed from his decision to drive at night, knowing that he had a significant visual impairment that prevented him from safely operating a vehicle. Moreover, unlike Howard, respondent was operating a fraudulently registered and insured vehicle with a license that had been suspended following his sixth conviction for DWI. Further, in contrast to Howard, respondent's conduct resulted in his sixth conviction for driving with a suspended license, and his actions placed his friend in criminal jeopardy, under false pretenses. Finally, Howard received a three-month disciplinary suspension and a criminal

sentence of probation because, at the time of her offense, in 1989, her actions did not constitute a second-degree crime. Conversely, respondent pleaded guilty to second-degree vehicular homicide, among other serious criminal offenses, and received a five-year sentence of incarceration, subject to the No Early Release Act.

Since Howard, attorneys who, while impaired, commit serious vehicular crimes resulting in death typically have received two-year suspensions. See, e.g., In re Jadeja, 236 N.J. 6 (2018) (attorney convicted of second-degree manslaughter, second-degree assault, DWI, and driving while impaired; after drinking in New York City, and while under the influence of alcohol and Xanax, the attorney drove his vehicle on the Long Island Expressway, colliding with a vehicle and killing the other driver; despite the attorney having taken substantial steps to achieve sobriety while incarcerated, we noted that such actions came at a tragically high cost to the victim's family); In re Costill, 217 N.J. 354 (2014) (attorney convicted of fourth-degree assault by auto; an admitted alcoholic, the attorney had a history of alcohol-related seizures that occurred within twelve to twenty-four hours after drinking; the day before the accident, he appeared for work intoxicated and was sent to the hospital, via an ambulance; following his release from the hospital with a blood/alcohol content of more than twice the legal limit, he returned to the office, where police advised him not to drive and

arranged for a co-worker to drive him home; the following morning, the attorney reported for work and suffered a seizure while moving his SUV in the office parking area; the vehicle jumped a curb and pinned a pedestrian to the side of the office building; the victim died hours later as a result of her injuries; although there was a factual question of whether the attorney had been clinically intoxicated when his blood was drawn at a hospital after the accident, there was no question that alcohol played a role in the accident; in aggravation, the attorney sought to minimize his responsibility for his conduct during the ethics proceedings); In re Guzzino, 165 N.J. 24 (2000) (attorney convicted of second-degree manslaughter and driving while intoxicated; the attorney killed a passenger in one of two vehicles that he struck after losing control of his vehicle as a result of driving at a high rate of speed while intoxicated).

However, greater discipline, including disbarment, has resulted when attorneys have attempted to implicate others for their vehicular crimes. See In re Kornreich, 149 N.J. 346 (1997) (three-year suspension for an attorney convicted of failure to report a motor vehicle accident and leaving the scene of an accident; although the attorney caused a minor motor vehicle accident in a parking lot, she misrepresented to the police, to her lawyer, and to a municipal court judge that her babysitter had been operating her vehicle; compounding matters, the attorney also presented false evidence in an attempt to falsely accuse

the babysitter of her own wrongdoing), and In re Koufos, 220 N.J. 577 (2015) (disbarment for an attorney who, after drinking at a local bar association function, continued communicating, by cellular telephone, with someone with whom he had been arguing at the event; while driving along Route 35 North and looking down at his telephone, he heard a loud noise, but did not stop to determine whether he had struck something or someone; in fact, he had struck, and severely injured, a seventeen-year-old as he walked with his friends; the attorney then fled the scene; the next day, he summoned a friend, who agreed to take the blame for the accident; after reviewing the New Jersey Criminal Code with his friend, the attorney told him to expect to be entered into the pre-trial intervention program or to be sentenced to probation for the accident; however, the attorney was a certified criminal trial attorney and, thus, knew at the time that there was no presumptive sentence for such conduct and that his friend risked incarceration while he stood to go free; the Court disbarred the attorney for his offending post-accident conduct, specifically, his egregious effort to corrupt the criminal process).

Here, respondent also committed insurance fraud and vehicle title fraud, through his friend, in order to circumvent his long-term driver's license suspension as a result of his lengthy history of committing DWIs. No reported New Jersey disciplinary cases have addressed vehicle title fraud or insurance

fraud under circumstances where an attorney attempted to criminally evade the restrictions placed upon his driver's license. However, generally, attorneys who have been found guilty of insurance fraud have received discipline ranging from a short-term of suspension to disbarment, depending on the presence of aggravating or mitigating factors. See, e.g., In re Bailey, 200 N.J. 277 (2009) (six-month suspension for a public defender who committed arson and insurance fraud by setting fire to his vehicle that he falsely reported as stolen; in fashioning the discipline, we accorded significant weight to extensive and compelling mitigating factors); In re Fisher, 185 N.J. 238 (2005) (one-year suspension, in a reciprocal discipline matter from Pennsylvania, for an attorney who submitted a phony receipt to an insurance company for the purpose of obtaining insurance proceeds for his girlfriend, whose computer had been stolen, and then filed a complaint against the insurance company, based on the same claim; prior three-month suspension considered in aggravation; passage of time, the attorney's inexperience at time of the violation, and the lack of financial motivation considered in mitigation); In re Pomper, 244 N.J. 317 (2020) (two-year suspension for an attorney who engaged in insurance fraud by fabricating a $14,000 invoice, purportedly from a water damage remediation company, which falsely indicated that the attorney had paid the company for work performed on his home; the attorney arranged for his employee to send the fabricated invoice

to his insurance company as part of his insurance claim; additionally, the attorney intentionally concealed his receipt of a $5,675 legal fee in order to evade income taxes; we determined that a six-month to a one-year suspension was warranted for the attorney's tax evasion and an additional one-year suspension was warranted for his insurance fraud); In re Seligsohn, 200 N.J. 441 (2009) (disbarment for an attorney who participated in a scheme that involved staging and reporting fraudulent motor vehicle accidents for the purpose of pursuing false insurance claims; the attorney also compensated three individuals for referring clients to him and to his law firm and filed false tax returns, improperly deducting those payments as business expenses on the firm's tax returns).

Here, like the attorneys in Jadeja, Costill, and Guzzino, who received two-year suspensions for causing fatal, alcohol-fueled motor vehicle accidents, respondent knowingly engaged in extremely dangerous and reckless behavior by driving while visually impaired, conduct which tragically culminated in a fatal, head-on collision. Moreover, unlike Jadeja and Guzzino, who were under the influence of alcohol at the time they caused their fatal accidents, respondent was not under the influence of any intoxicating substances that could have impaired his judgment at the time he caused his fatal accident. Nevertheless, respondent, while of sound mind, elected to drive, at night, with a serious visual

impairment, despite knowing full well that he should not have been on the road, not only because of his impairment, but also because he was operating a fraudulently registered and insured vehicle with a suspended license.

Additionally, unlike Jadeja, Costill, and Guzzino, whose history of motor vehicle offenses was not set forth in their respective disciplinary records, respondent's conduct represented his sixth conviction for driving with a suspended license, and his driving record consisted of six prior convictions for DWI, demonstrating a total disregard for the safety of others and for the restrictions placed upon his driver's license. Consistent with his contempt for his license restrictions, in December 2018, respondent arranged for his friend to purchase, register, and insure a vehicle, under the friend's name, for respondent to illegally operate. Although he did not attempt to pin the blame for his actions on his friend, as occurred in Koufos and Kornreich, respondent, nevertheless, embroiled his friend, under false pretenses, in his criminal scheme to subvert his license suspension. By his conduct, respondent allowed his friend, who remained unaware of respondent's license suspension, to be indicted for insurance fraud and vehicle title fraud.

Finally, like the attorney in Costill, respondent has, in our view, attempted to minimize responsibility for his criminal conduct by claiming that his vehicular homicide resulted merely from "temporary night blindness" caused by

the headlights of oncoming traffic. Respondent's alternative version of the truth – that his conduct did not result from his decision to knowingly drive with a serious visual impairment that prevented him from safely operating a vehicle – is contrary to his sworn statements made during his plea hearing. Respondent's dishonest arguments before us reflect that, at the very least, he has failed to appreciate the seriousness of his criminal behavior which, tragically, resulted in the death of an innocent victim.

Conclusion

In conclusion, respondent's actions constituted a complete indifference to the safety of the public, the liberty interests of his friend, and the restrictions imposed upon his driver's license stemming from his serious history of committing DWIs and driving with a suspended license. Respondent not only placed his friend in criminal jeopardy, but he also, tragically, caused the death of an innocent motorist while knowingly operating a fraudulently registered and insured vehicle with a suspended license and a serious visual impairment. Given the clear danger that respondent poses to the public, and consistent with disciplinary precedent, we determine that a three-year suspension is the appropriate quantum of discipline necessary to protect the public and to preserve confidence in the bar.

Additionally, because respondent was temporarily suspended in connection with his misconduct underlying this matter, we determine, based on past precedent, to recommend to the Court that his three-year suspension be retroactive to February 2, 2023, the effective date of his temporary suspension. See In re McWhirk, 250 N.J. 176 (2022) (in connection with a motion for reciprocal discipline, the Court imposed the attorney's four-year term of suspension retroactive to his April 2016 temporary suspension for the same misconduct underlying the motion).

Members Hoberman and Petrou voted to recommend the imposition of an indeterminate suspension, retroactive to respondent's February 2, 2023 temporary suspension. They note that a retroactive three-year suspension would potentially allow respondent to resume practicing law upon release from his custodial sentence. Members Hoberman and Petrou respectfully submit that respondent's prior brazen disrespect for the New Jersey law and the prior judgments of New Jersey's Courts, as evidenced by (1) his five prior convictions for driving while suspended, (2) insurance fraud, and (3) his disregard for others by potentially implicating a third party in that fraud upon the false registration of a vehicle, cast a large shadow over respondent's integrity. Members Hoberman and Petrou submit that the protection of the public merit imposing the burden upon respondent to affirmatively establish sufficient moral character

worthy of his restoration to the practice of law beyond the minimal requirements of R. 1:20-21. These Members would further impose the following conditions: (1) prior to reinstatement, respondent (i) must demonstrate his fitness to practice law, as attested to by a medical doctor approved by the OAE, and (ii) submit proof of continuous attendance at an alcohol treatment program following his release from incarceration; and further, (2) upon reinstatement, respondent must provide the OAE quarterly reports of his continuous attendance at an alcohol treatment program, for a two-year period, and until further Order of the Court.

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. Mary Catherine Cuff, P.J.A.D. (Ret.),
Chair

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

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of George L. Rodriguez
Docket No. DRB 24-124

Argued: November 21, 2024

Decided: December 16, 2024

Disposition: Three-year suspension

Members	Three-Year Suspension	Indeterminate Suspension
Cuff	X	
Boyer	X	
Campelo	X	
Hoberman		X
Menaker	X	
Petrou		X
Rodriguez	X	
Spencer	X	
Total:	6	2

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