

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 24-227
District Docket No. VIII-2023-0025E

In the Matter of Ivan Raevski
An Attorney at Law

Decided
February 10, 2025

Certification of the Record

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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 certification of the record filed by the District VIII Ethics Committee (the DEC), pursuant to R. 1:20-4(f). The formal ethics complaint charged respondent with having violated RPC 1.1(a) (engaging in gross neglect); RPC 1.3 (lacking diligence); RPC 1.4(b) (failing to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information); 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 1.6 (failing to maintain confidential client information); RPC 8.1(b)¹ (two instances – failing to cooperate with disciplinary authorities); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).²

¹ Although the formal ethics complaint charged respondent with having violated RPC 1.8, stemming from his failure to cooperate with the underlying investigation, it is clear, based on the detailed factual allegations of the complaint, that the DEC intended to charge respondent with having violated RPC 8.1(b). Thus, respondent had adequate notice of the charge, in conformity with R. 1:20-4(b) and In re Roberson, 194 N.J. 557 (2008).

² Due to respondent's failure to file an answer to the formal ethics complaint, and on notice to him, the DEC amended the complaint to include the additional RPC 8.1(b) charge and the RPC 8.4(d) charge.

For the reasons set forth below, we determine that a censure, with a condition, is the appropriate quantum of discipline for respondent's misconduct.

Ethics History

Respondent earned admission to the New Jersey bar in 2007 and to the New York bar in 2008. He has no prior discipline. During the relevant timeframe, he maintained a practice of law in Metuchen, New Jersey.

Service of Process

Service of process was proper. On June 14, 2024, the DEC sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's office address of record. The certified mail was not accepted by respondent. The regular mail was returned to the DEC.

On July 8, 2024, respondent contacted the DEC to provide an updated address³ and to request a ten-day extension of time to respond to the complaint, which the DEC granted. Respondent, however, failed to file a verified answer to the complaint.

On July 26, 2024, the DEC sent a second letter, by certified and regular mail, to respondent's home address of record, informing him that, unless he filed

³ The updated address is respondent's home address of record.

a verified answer to the complaint within five days of the date of the letter, the allegations of the complaint would be deemed admitted, the record would be certified to us for the imposition of discipline, and the complaint would be deemed amended to charge a willful violation of RPC 8.1(b) and RPC 8.4(d). The certified mail was not accepted by respondent. The regular mail was not returned to the DEC.

As of August 22, 2024, respondent had not filed an answer to the complaint, and the time within which he was required to do so had expired. Accordingly, the DEC certified this matter to us as a default.

On November 25, 2024, Chief Counsel to the Board sent respondent a letter, by certified and regular mail, to his home address of record, and by electronic mail, to his e-mail address of record, informing him that this matter was scheduled before us on January 16, 2025, and that any motion to vacate must be filed by December 16, 2024. According to United States Postal Service tracking, the certified mail is being returned unclaimed to the Office of Board Counsel (the OBC). The letter sent by regular mail was not returned to the OBC.

Meanwhile, on December 3, 2024, the OBC published a notice in the New Jersey Law Journal, stating that we would consider this matter on January 16, 2025. The notice informed respondent that, unless he filed a successful motion

to vacate the default by December 16, 2024, his failure to answer would remain deemed an admission of the allegations of the complaint.

Respondent did not file a motion to vacate the default.

Facts

We now turn to the allegations of the complaint.

On November 29, 2021, J.F. and S.F.⁴ retained respondent to file a joint bankruptcy petition on their behalf. Respondent charged \$2,000 for the representation, plus the \$350 filing fee. By January 7, 2022, J.F. and S.F. had paid respondent in full for the representation, via installments. Respondent assured his clients that he could handle their bankruptcy matter, along with the associated lawsuits filed by their various creditors, such that they would not have to respond to any ongoing lawsuits.

In December 2021, J.F. and S.F. provided respondent with all the documents and completed forms that he had requested in furtherance of the representation. Respondent, however, failed to file the bankruptcy petition and, further, failed to inform his clients that he had not done so. Thereafter, for more than twenty months, he failed to reply to his clients' numerous telephone calls

⁴ J.F. is the grievant in this matter. The record does not set forth the full names of the grievant and his wife.

and e-mails seeking updates on the status of their bankruptcy petition, or to provide an explanation for his failure to complete the bankruptcy filing. As a result of his failure to file the bankruptcy petition, for which he specifically had been retained, J.F. and S.F. had judgments and writs of executions levied against them.

On August 14, 2023, J.F. filed an ethics grievance against respondent. On September 22, 2023, the DEC sent a letter to respondent, to his office address of record, directing that he submit a written reply to the ethics grievance within ten days. During a telephone conversation with the DEC investigator, respondent confirmed that his home address and e-mail address were acceptable addresses to communicate with him and provided the investigator with his home address.

Thereafter, on an unknown date, the DEC sent a copy of the grievance to respondent's home address of record, with an additional copy via electronic mail to his e-mail address of record. Respondent acknowledged, via e-mail, receipt of several of the investigator's e-mails and the ethics grievance. Respondent also requested additional time to submit his reply. However, respondent failed to submit a written reply to the grievance.

Finally, on January 29, 2024, the DEC sent respondent an additional letter, warning him that the DEC intended to proceed with its investigation without his

involvement. As of June 14, 2024, the date of the formal ethics complaint, respondent had failed to submit a written reply to the ethics grievance.

Based on respondent's prolonged failure to file the bankruptcy petition on his clients' behalf, the DEC charged him with having violated RPC 1.1(a) and RPC 1.3. Additionally, considering respondent's prolonged refusal to reply to his clients' numerous inquiries concerning their matter, the DEC charged him with having violated RPC 1.4(b). Similarly, given his failure to advise his clients regarding the status of their bankruptcy petition and to explain why he was unable to complete the filing, the DEC charged him with having violated RPC 1.4(c).

Furthermore, based on respondent's refusal to submit a written reply to the ethics grievance, the DEC charged him with having violated RPC 1.6 and RPC 8.1(b). Finally, based on his failure to answer the formal ethics complaint, the DEC amended the complaint to charge him with having committed a second violation of RPC 8.1(b), along with RPC 8.4(d).

Analysis and Discipline

Violations of the Rules of Professional Conduct

Following our review of the record, we determine that the facts set forth in the formal ethics complaint support most, but not all, of the charges of

unethical conduct. Respondent's failure to file an answer to the complaint is deemed an admission that the allegations are true and that they provide a sufficient basis for the imposition of discipline. R. 1:20-4(f)(1). Notwithstanding that Rule, each charge in the complaint must be supported by sufficient facts for us to determine that unethical conduct has occurred. See In re Pena, 164 N.J. 222, 224 (2000) (noting that the Court's "obligation in an attorney disciplinary proceeding is to conduct an independent review of the record, R. 1:20-16(c), and determine whether the ethical violations found by the [Board] have been established by clear and convincing evidence").

The record before us clearly and convincingly demonstrates that respondent violated both RPC 1.1(a) and RPC 1.3 by grossly mishandling his clients' bankruptcy matter. Specifically, after accepting the representation and legal fee (along with the \$350 filing fee), respondent failed to file the joint petition for bankruptcy for which he was retained. Further, despite assuring J.F. and S.F. that he would handle the representation and take the necessary steps so that his clients would not have to respond to lawsuits filed against them, respondent altogether failed to take any steps in furtherance of the representation. His failure to act persisted for more than twenty months and resulted in judgments and writs of execution being entered against his clients.

Additionally, respondent violated RPC 1.4(b) by failing to keep J.F. and

S.F. reasonably informed regarding the status of their bankruptcy matter. Indeed, after making their final payment toward the representation, J.F. and S.F. heard nothing further from respondent, despite their persistent efforts to obtain information about their case. Respondent failed to notify his clients that he had not filed their bankruptcy petition or that he was unable to complete the work in a timely manner. Moreover, he failed to reply to his clients' multiple requests for information. Thus, respondent violated RPC 1.4(b).

Similarly, respondent violated RPC 1.4(c) by failing to adequately communicate with J.F. and S.F. to the extent reasonably necessary to have allowed them to make informed decisions concerning the representation. Specifically, by altogether failing to communicate with his clients as to the status of the matter, or to inform them that he had not filed the joint petition or taken any steps to address the various lawsuits filed against them, he deprived his clients of the ability to make informed decisions regarding the representation.

Additionally, respondent violated RPC 8.1(b), which requires an attorney to "respond to a lawful demand for information from . . . [a] disciplinary authority," by altogether failing to cooperate with the DEC in two respects. First, between September 2023 and January 2024, he failed to comply with the DEC's multiple letters requiring that he submit a written reply to the ethics grievance.

Other than requesting an extension by which to reply to the grievance, respondent failed to make any attempt to cooperate with the DEC's repeated efforts to investigate his misconduct. He then violated RPC 8.1(b) a second time by failing to file a verified answer to the formal ethics complaint, despite proper notice, allowing this matter to proceed as a default.

By contrast, however, we determine to dismiss the charge pursuant to RPC 1.6, which, according to the complaint, appears to stem from respondent's failure to cooperate with the underlying disciplinary investigation and, thus, is fully encapsulated by the more appropriate charge pursuant to RPC 8.1(b). Moreover, RPC 1.6 addresses an attorney's improper disclosure of confidential client information, misconduct not present here.

Likewise, we determine to dismiss the related RPC 8.4(d) charge stemming from respondent's failure to answer the formal ethics complaint. Although failing to file an answer to a complaint constitutes a well-settled violation of RPC 8.1(b), it is not per se grounds for an RPC 8.4(d) violation. See In re Ashley, 122 N.J. 52, 55 n.2 (1991) (following the attorney's failure to answer the formal ethics complaint and to cooperate with the investigator, the DEC charged her with violating RPC 8.4(d); the Court expressly adopted the Board's finding that, "[a]lthough the committee cited RPC 8.4(d) for failure to file an answer to the complaint, RPC 8.4(d) deals with prejudice to the

administration of justice. RPC 8.1(b) is the correct rule for failure to cooperate with disciplinary authorities.”). Moreover, the Board consistently has dismissed RPC 8.4(d) charges that are based solely upon an attorney’s failure to file an answer to the complaint. See In the Matter of Richard Donnell Robinson, DRB 23-032 (July 5, 2023) at 12-13, and In the Matter of John Anthony Feloney, IV, DRB 22-179 (March 23, 2023) at 9-10. Consequently, consistent with disciplinary precedent, we determine to dismiss the RPC 8.4(d) charge, as a matter of law.

In sum, we find that respondent violated RPC 1.1(a); RPC 1.3; RPC 1.4(b); RPC 1.4(c); and RPC 8.1(b) (two instances). For the reasons set forth above, we determine to dismiss the charges that respondent violated RPC 1.6 and RPC 8.4(d). The sole issue left for our determination is the appropriate quantum of discipline for respondent’s misconduct.

Quantum of Discipline

Generally, absent serious aggravating factors, such as harm to the client, conduct involving gross neglect, lack of diligence, and failure to communicate, results in an admonition, even when accompanied by other non-serious ethics infractions. See In the Matter of Kevin N. Starkey, DRB 23-152 (September 22, 2023) (the attorney grossly mishandled a quiet title action; specifically,

following mediation, the client informed the attorney that the settlement agreement was no longer acceptable to him, after which the attorney unilaterally ceased all work in the matter; thereafter, the attorney failed to oppose or inform his client of the adversary's two motions to enforce the settlement, resulting in a \$1,877.50 counsel fee award against the client; due to the attorney's continued silence, the adversary filed a motion to compel the sale of the client's property, in reply to which the attorney finally expressed his wish to withdraw as counsel; although the client obtained substitute counsel who secured the withdrawal of the adversary's motion to compel, the client was forced to pay his adversary an additional \$3,041.15 in attorney's fees; violations of RPC 1.1(a), RPC 1.3, RPC 1.4(b), RPC 1.16(d), and RPC 3.2(d); in mitigation, the attorney fully reimbursed his client for the attorney's fees paid to the adversary and expressed remorse; no prior discipline in more than thirty years at the bar), and In the Matter of Esther Maria Alvarez, DRB 19-190 (September 20, 2019) (following the attorney's retention to file a divorce complaint for a client, she failed, for nine months, to take any steps to pursue the matter, and failed to reply to all but one of the client's requests for information; in another matter, the attorney agreed to seek a default judgment, but waited more than eighteen months to file the necessary papers with the court; although the attorney obtained a default judgment, the court later vacated it due to the passage of time, which precluded

a determination on the merits; violations of RPC 1.1(a) (two instances), RPC 1.3, and RPC 1.4(b); no prior discipline in twenty-seven years at the bar).

The quantum of discipline is enhanced, however, when additional aggravating factors are present. See In re Barron, __ N.J. __ (2022), 2022 N.J. LEXIS 660 (reprimand for an attorney's combined misconduct encompassing three client matters and eight RPC violations; specifically, the attorney engaged in gross neglect in one client matter, lacked diligence in three client matters, failed to communicate in three client matters, and failed to set forth the basis or rate of his fee in one client matter; violations of RPC 1.1(a), RPC 1.3 (three instances), RPC 1.4(b) (three instances), and RPC 1.5(b); in aggravation, we weighed the quantity of the attorney's ethics violations and the harm caused to multiple clients, including allowing a costly default judgment to be entered in one client matter; additionally, the attorney's conduct deprived two clients the opportunity to litigate their claims; in mitigation, we weighed the attorney's cooperation, his nearly unblemished forty-year career at the bar, and his testimony concerning his mental health condition), and In re Anderson, __ N.J. __ (2025), 2025 N.J. LEXIS 9 (censure for an attorney who grossly mishandled two client matters; in one client matter, in which he was retained to remove the client from liability on a mortgage and note, he assured the client in an e-mail exchange that he would complete her matter following the closure of his law

firm; however, he performed no additional work and instead altogether ignored the matter; subsequently, he failed to cooperate with the DEC's investigation; in the second client matter, the attorney served as executor and attorney for an estate; he failed to file required tax returns resulting in a beneficiary not receiving funds that were due to him; the attorney also misled the beneficiary to believe the administration of the estate was proceeding apace when, in fact, his efforts had come to a standstill; six years after the decedent's death, even after prompting by the Office of Attorney Ethics, the attorney still had not concluded the administration of the estate; violations of RPC 1.1(a) (two instances), RPC 1.3 (two instances), RPC 1.4(b), RPC 8.1(b), and RPC 8.4(c); we accorded minimal weight to the attorney's prior reprimand because nearly all of the misconduct occurred before the Court had entered its disciplinary Order).

Here, following his November 2021 retention to file a joint bankruptcy petition on his clients' behalf, respondent, for more than twenty months, took no action in furtherance of the representation. Despite his assurances that he would file the petition and, further, that the clients would not have to respond to ongoing lawsuits and collection matters filed against them, respondent did nothing. Consequently, judgments and writs of execution were entered against his clients. Further, throughout the course of the representation, respondent

ignored J.F. and S.F.'s repeated inquiries concerning their matter and the status of the petition.

In our view, based on the foregoing disciplinary precedent, and particularly Barron considering the harm to the clients, the baseline discipline for respondent's misconduct is at least a reprimand. To craft the appropriate quantum of discipline in this case, however, we also consider mitigating and aggravating factors.

There is no mitigation to consider.

In aggravation, respondent's misconduct caused significant harm to his clients, who had judgments and writs of execution entered against them. Had respondent taken the necessary steps to initiate bankruptcy, as he had been retained to do, an automatic stay presumably would have been triggered on all collection activities and civil litigation. Instead, based on his failure to file the joint petition for bankruptcy, any pending litigation or collection efforts against his clients proceeded and, ultimately, resulted in adverse judgments and efforts to seize their assets. However, we considered this aggravating factor in setting the baseline discipline at a reprimand and, thus, do not accord it additional weight.

In further aggravation, respondent failed to answer the formal ethics complaint and allowed this matter to proceed as a default. See In re Kivler, 193

N.J. 332, 342 (2008) (an attorney’s “default or failure to cooperate with the investigative authorities acts as an aggravating factor, which is sufficient to permit a penalty that would otherwise be appropriate to be further enhanced”).

Conclusion

On balance, weighing respondent’s lack of prior discipline against his refusal to participate in the disciplinary process and the default status of this matter, we determine that a censure is the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

Moreover, because it does not appear that respondent performed any substantive work in furtherance of the representation, we recommend that he be required to disgorge \$2,350 to his former clients, representing his unearned legal fee and the advanced bankruptcy filing fee.

Member Campelo was absent.

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 Ivan Raevski
Docket No. DRB 24-227

Decided: February 10, 2025

Disposition: Censure

<i>Members</i>	Censure	Absent
Cuff	X	
Boyer	X	
Campelo		X
Hoberman	X	
Menaker	X	
Modu	X	
Petrou	X	
Rodriguez	X	
Spencer	X	
Total:	8	1

/s/ Timothy M. Ellis

Timothy M. Ellis
Chief Counsel