

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 24-226
District Docket No. IIA-2023-0012E

In the Matter of Russell F. Romond
An Attorney at Law

Decided
March 25, 2025

Certification of the Record

Table of Contents

Introduction.....	1
Ethics History.....	2
Service of Process	2
Facts.....	4
Analysis and Discipline	6
Violations of the Rules of Professional Conduct.....	6
Quantum of Discipline	8
Conclusion	13

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 IIA Ethics Committee (the DEC), pursuant to R. 1:20-4(f). The formal ethics complaint charged respondent with having violated 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 8.1(b) (two instances – failing to cooperate with disciplinary authorities); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).¹

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

¹ 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.

Ethics History

Respondent earned admission to the New Jersey bar in 2021 and to the New York bar in 2009. He has no prior discipline. At the relevant times, he maintained a practice of law in Mahwah, New Jersey. Since June 2024, he has been employed as an associate in the law firm Williams Caliri Miller & Otley, PC (the Firm) in Wayne, New Jersey.

Service of Process

Service of process was proper. On July 10, 2024, the DEC sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's previous office address of record in Mahwah. Subsequently, the DEC discovered that respondent was no longer practicing law at that location.

Consequently, on July 24, 2024, after confirming his current employment with the Firm, the DEC sent a copy of the formal ethics complaint, by certified and regular mail, to his current office address of record.² On July 29, 2024, the certified mail was delivered and the signed certified mail receipt was returned to the DEC. Respondent, however, failed to file a verified answer to the complaint.

² According to the Court's central attorney database, respondent updated his office address of record to reflect the Firm's address.

On August 26, 2024, the DEC sent a second letter, by certified and regular mail, to respondent's current office address of record, informing him that, unless he filed 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). According to United States Postal Service tracking, the certified mail was delivered on August 29, 2024.

As of September 9, 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 office 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 the default (MVD) must be filed by December 16, 2024. The signed certified mail receipt was returned to the Office of Board Counsel (the OBC), indicating delivery. The letter sent by regular mail was not returned to the OBC.

Moreover, by notice dated December 2, 2024, the OBC published a notice in the New Jersey Law Journal, and on the New Jersey Courts website, stating that we would consider this matter on January 16, 2025. The notice informed respondent that, unless he filed a successful MVD by December 16, 2024, his prior failure to answer the complaint would remain deemed an admission of the allegations contained in the complaint.

Respondent did not file an MVD.

Facts

We now turn to the allegations of the complaint.

In October 2022, Jere Hopkins-Doerr retained respondent to (1) provide her with legal advice concerning the formation of a special needs trust for her sister, and (2) prepare an installment contract of sale to allow the tenants of an estate's property to purchase the property.

In February 2023, respondent prepared the special needs trust, albeit by utilizing a trust and will online service. However, he admittedly failed to prepare the installment contract and, for approximately seven months, failed to communicate with Hopkins-Doerr regarding his progress in preparing the contract for which he was retained. During that time, Hopkins-Doerr sent respondent numerous e-mails, certified mailings, and contacted him via

telephone, to no avail. According to Hopkins-Doerr, respondent and his Mahwah law office had “vanished.”

Consequently, Hopkins-Doerr filed an ethics grievance against respondent. In her grievance, she asserted that respondent “has our funds for an Installment Sale of our property AND information about . . . funding our trust investments, which means we cannot complete our Trust.”

In his October 16, 2023 written reply to the grievance, respondent admitted he had failed to communicate with Hopkins-Doerr and failed to work on the installment contract, attributing his failures to a personal crisis. During the seven months, he admittedly failed to inform Hopkins-Doerr that he was unable to complete work on her matter.

After providing the DEC investigator with his October 16, 2023 written reply, respondent ceased further communication with the investigator and failed to provide any information about his personal crisis. Indeed, between January 4 and March 13, 2024, the DEC investigator attempted to contact respondent via telephone at least nine times, with no reply. Furthermore, during the same time period, the DEC investigator sent respondent nine e-mails requesting that he answer questions and provide information about his representation of Hopkins-Doerr. Respondent failed to reply. Additionally, on February 1, 2024, the DEC investigator sent a

certified letter to respondent requesting that he contact the investigator. Respondent again failed to reply.

Analysis and Discipline

Violations of the Rules of Professional Conduct

Following our review of the record in this matter, we determine that the facts set forth in the formal ethics complaint support all but one of the charges of unethical conduct. Respondent's failure to file an answer to the complaint is deemed an admission that the allegations of the complaint 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").

First, the record before us clearly and convincingly establishes respondent's violation of RPC 1.3 and RPC 1.4(b). Specifically, Hopkins-Doerr retained respondent to accomplish two separate legal tasks. Although he promptly prepared the special needs trust, he failed to work on the installment

contract for approximately seven months, blaming an unidentified personal crisis for his inability to work on the matter. When Hopkins-Doerr attempted to communicate with him about his progress on the installment contract, rather than inform her that he had a personal matter that precluded his ability to work on the installment contract, he ceased all communication with her.

Next, respondent violated RPC 8.1(b), which requires an attorney to “respond to a lawful demand for information from . . . [a] disciplinary authority.” Respondent violated this Rule in two respects. First, he failed to cooperate with the DEC’s investigation of the ethics grievance. After submitting his written reply to the grievance, he altogether ceased communicating with the investigator despite the investigator’s repeated efforts. He 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 RPC 8.4(d) charge, which was added contemporaneously with the second RPC 8.1(b) charge, with both charges 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 cooperate with the

investigator, the DEC charged her with violating RPC 8.4(d); the Court expressly adopted our 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, we consistently have 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 in this case.

In sum, we find that respondent violated RPC 1.3, RPC 1.4(b), and RPC 8.1(b) (two instances). We determine to dismiss the RPC 8.4(d) charge as a matter of law. 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 (a charge not present here), 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) (committing gross neglect), RPC 1.3, RPC 1.4(b), RPC 1.16(d) (failing to protect a client's interests upon termination of representation), and RPC 3.2 (failing to expedite litigation); 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) (failing to set forth, in writing, the basis or rate of the legal fee); 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, 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) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); 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 retention to perform two discrete legal tasks on his client's behalf, which included the preparation of a sales contract, respondent,

for seven months, took no action to complete the contract. Making matters worse, throughout the course of the representation, he altogether ignored his client's repeated inquiries concerning her matter and the status of the contract. The client was forced to file an ethics grievance, in which she explained that respondent continued to hold funds related to the sale of the property, as well as specific funding information related to trust investments that prevented her from completing the trust.

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

In mitigation, respondent has no prior discipline. However, in view of his only four-year-career at the bar, we accord that factor minimal weight.

In aggravation, respondent's misconduct caused harm to his client, who was prevented from completing the trust because respondent continued to hold specific funding information related to trust investments. 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 file an answer to the complaint and allowed this matter to proceed as a default. “[A] respondent’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.” In re Kivler, 193 N.J. 332, 342 (2008).

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 to protect the public and preserve confidence in the bar.

Moreover, based on respondent’s admitted failure to perform any work pertaining to the installment contract, we recommend that he be required to (1) disgorge the fee he charged his client for that aspect of the representation, (2) disgorge any funds he is holding related to the sale of the estate property, and (3) release any documentation he possesses concerning the installment contract and trust investments.

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 Russell F. Romond
Docket No. DRB 24-226

Decided: March 25, 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