

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 24-232
District Docket No. XIV-2023-0230E

In the Matter of Jonathan W. Chase
An Attorney at Law

Argued
January 16, 2025

Decided
March 28, 2025

Oluwakolapo O. Sapara appeared on behalf of the
Office of Attorney Ethics.

Respondent waived appearance 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 reciprocal discipline filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-14(a), following the Supreme Court of Pennsylvania's issuance of a May 15, 2023 order suspending respondent, on consent, for one year.

The OAE asserted that, in the Pennsylvania matter, respondent was found to have violated the equivalents of New Jersey RPC 1.1(a) (committing gross neglect); RPC 1.2(a) (failing to abide by the client's decisions concerning the scope and objectives of the representation); RPC 1.3 (lacking diligence); RPC 1.4(b) (failing to keep a client reasonably informed about the status of a matter and to 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 about the representation); RPC 3.3(a)(1) (making a false statement of material fact to a tribunal); RPC 4.1(a)(1) (making a false statement of material fact or law to a third person); RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

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

Ethics History

Respondent earned admission to the New Jersey bar in 2012 and to the Pennsylvania bar in 2011. He has no prior discipline in New Jersey. At the relevant time, he maintained a practice of law in Philadelphia, Pennsylvania.

Facts

On an undisclosed date, Keith Regan retained the law firm of Kraemer, Manes & Associates LLC (Kraemer), pursuant to a written contingent fee agreement, to represent him in connection with litigation against his former employer, Temple University (Temple), for alleged violations of the Americans with Disabilities Act (ADA).¹ Kraemer assigned the matter to respondent, who worked at the firm.

On August 19, 2019, respondent filed a complaint, on Regan's behalf, in the United States District Court for the Eastern District of Pennsylvania (the EDP) against Temple.

¹ Kraemer, Manes & Associates LLC subsequently became Ruppert Manes Narahari LLC.

On March 18, 2020, respondent informed Regan, via e-mail, that he was leaving Kraemer to start his own law practice and that he would continue to represent Regan through the new law firm. Regan replied to the e-mail, stating he was pleased with respondent's continued representation.

Respondent admitted that he had failed to expressly inform Regan that he had the right to select other counsel and failed to "indicate factors to consider on selecting counsel." He further stated that he "did not feel it necessary to enter into a new written fee agreement with Regan" and had assumed that "the same terms of the previous written fee agreement would apply."

On May 21, 2020, respondent notified Regan, via e-mail, that a tentative trial date was scheduled for June 2021 and, further, that discovery would continue until that time.

On June 20, 2020, Regan sent respondent an e-mail to inquire about the possibility of securing witnesses for the trial. Two days later, respondent replied and stated that discovery was ongoing, which included the ability to explore witnesses.

Although respondent had served interrogatories and requests for the production of documents, to which Temple responded in December 2019, he failed to serve additional written discovery requests or to take any depositions. In his statement to the Pennsylvania disciplinary authorities, he claimed that –

based on his experience in handling similar claims – he did not take any depositions to “avoid unnecessary costs” because, in his view, any testimony offered by Temple’s witnesses would be “duplicative . . . and would contradict [Regan’s] testimony regarding the facts.” He further stated that he had discussed this strategy with Regan.

On February 11, 2021, Temple filed a motion for summary judgement. Fifteen days later, on February 26, 2021, respondent notified Regan of the pending motion and suggested that the two have a telephone call the following week to discuss the matter. In his e-mail, respondent stated “I have to admit that Temple raised some compelling legal issues and there is a real chance the motion will be granted.” They exchanged e-mails over the next several days and agreed to speak on March 3, 2021.

Nevertheless, on March 2, 2021, without Regan’s knowledge or consent, respondent executed and filed, with the EDP, a Joint Stipulation and Order for Dismissal with Prejudice (the Stipulation), which provided that the parties jointly stipulated, through their respective counsel, to dismiss the lawsuit with prejudice. The same date, the judge signed the Stipulation and dismissed the case with prejudice. Prior to executing and filing the Stipulation, respondent failed to discuss with Regan the prospect, or advisability, of dismissing his case.

According to respondent, following his review of Temple's motion for summary judgment, he grew concerned that it would be granted based on documented evidence relating to Regan's performance issues. Thus, in his opinion, there was no clear evidence to prove that the performance issues constituted an improper pretextual basis for the termination.

For six months following the dismissal of Regan's lawsuit, respondent repeatedly made false statements to mislead Regan into believing that his case was proceeding apace, that he would seek additional discovery, and that he would oppose Temple's motion for summary judgment. Regan relied on respondent's misrepresentations and, indeed, invested a significant amount of time gathering information and providing input to assist respondent in preparing the response to the motion.

Specifically, on March 4, 2021, respondent spoke with Regan regarding the motion for summary judgment; however, during that telephone call, respondent failed to inform him that, just two days prior, he had executed and filed the Stipulation to dismiss the case with prejudice, which the court had granted. That same date, Regan also sent an e-mail to respondent to inquire about obtaining the transcript from his unemployment hearing. Respondent, however, failed to obtain the transcript for Regan.

On March 8, 2021, Regan sent an e-mail to respondent and requested a copy of the draft summary judgment opposition. Respondent replied, stating that he would provide a copy of the motion and requesting to schedule a call for later that week.

The following week, Regan sent respondent another e-mail, this time to inquire about the deadline for the response to the summary judgment motion. In reply, respondent falsely that he had “a couple more weeks to get the response in.” In a subsequent reply, Regan again requested that respondent obtain a copy of the transcript for the unemployment hearing.

On March 28, 2021, Regan sent an e-mail to respondent to again inquire about the deadline for the motion. Respondent, however, failed to reply. Between April 5 and April 7, 2021, Regan sent three follow up e-mails seeking a reply to his previous e-mail.

On April 8, 2021, Regan informed respondent, via e-mail, that he was growing concerned that respondent had become “unresponsive.” He directed respondent to not file, on his behalf, any response to the motion for summary judgment until they had the opportunity to speak. In reply, respondent falsely stated that he had requested an extension of time to respond to the motion, which he expected the court to grant.

On May 6 and May 11, 2021, more than two months after his case had been dismissed, Regan sent additional e-mails to respondent in which he inquired if the court had set a deadline for the response to the motion. On May 11, 2021, respondent replied and falsely stated that the court had extended the deadline to May 28, 2021.

On May 26, 2021, Regan sent respondent an e-mail to inquire if, in the event respondent was unable to get an extension, he would be able to submit a response to the motion by May 28, 2021. Respondent stated in reply, “Yes, I should be good to go.”

On May 29, 2021, Regan sent respondent another e-mail and requested an update on whether the court had granted the extension before the May 28, 2021 deadline. Following respondent’s failure to reply to his e-mail, on June 2 and June 3, 2021, Regan sent two additional e-mails seeking an update. On June 4, 2021, respondent replied and falsely stated that the court had extended the deadline to June 18, 2021. Thereafter, on June 15, 2021, respondent spoke to Regan and discussed the purported motion.

On August 4, 2021, Regan sent respondent an e-mail to request a copy of the response to the summary judgment motion. Respondent failed to reply. Between August 9 and August 20, 2021, Regan sent respondent three follow up e-mails seeking a copy of the response to the motion.

On August 23, 2021, respondent sent Regan an e-mail to inform him that he was on vacation and had limited access to e-mail. On August 30, 2021, Regan replied and stated “[s]orry if I seem aggravated it just seemed communication between us has not been efficient since Temple filed their motion and I was concerned”

On September 7, 2021, after independently discovering that his case had been dismissed, Regan confronted respondent about his unilateral decision to dismiss the case, six months earlier, without Regan’s knowledge or consent, and his subsequent efforts to intentionally misled Regan into believing his case remained pending.

In reply, on September 8, 2021, respondent suggested that the two speak the next day and promised to “explain everything then.” During their September 9, 2021 telephone conversation, respondent explained to Regan that he had filed the Stipulation because he was concerned Regan would lose his case and would be liable for a statutory counsel fee award. However, he failed to explain why he did not consult with Regan prior to dismissing his case. Respondent apologized to Regan and offered him free legal advice as compensation.

Regan retained new counsel and, on December 21, 2021, successfully vacated the Stipulation of dismissal based on respondent’s failure to obtain

Regan’s consent to the dismissal.² Thereafter, Regan, through his new counsel, filed a response to Temple’s motion for summary judgment. Nevertheless, the court granted the motion and dismissed the matter.

The Pennsylvania Disciplinary Proceedings

On April 11, 2023, the Office of Disciplinary Counsel of the Disciplinary Board of the Supreme Court of Pennsylvania (the ODC) and respondent filed with the Pennsylvania Disciplinary Board a Joint Petition in Support of Discipline on Consent, pursuant to Pa. R.D.E. 215(d), recommending a one-year suspension (the Joint Petition).³ In respondent’s accompanying affidavit, he “acknowledge[d] that the material facts set forth in the Joint Petition are true.”

Based on the above facts, respondent admitted to having violated the following Pennsylvania Rules of Professional Conduct: Pa. RPC 1.1; Pa. RPC

² The ODC alleged that Regan was unable to find a new attorney willing to take the case on a contingent fee basis, and thus, he had to expend a significant amount of money to retain counsel to vacate the stipulation and to file a response to the motion for summary judgment.

³ Pa.R.D.E. 215(d), governing discipline by consent, provides that “[a]t any stage of a disciplinary investigation or proceeding, a respondent-attorney and [the ODC] may file,” with the Pennsylvania Disciplinary Board, “a Joint Petition in Support of Discipline on Consent. The Petition shall include the specific factual allegations that the attorney admits he or she committed, the specific Rules of Professional Conduct and Rules of Disciplinary Enforcement allegedly violated and a specific recommendation for discipline.” The petition also must be accompanied by an affidavit “stating that the attorney consents to the recommended discipline” and contains other specific acknowledgements set forth by Pa.R.D.E. 215(d).

1.2(a); Pa. RPC 1.3; Pa. RPC 1.4(a);⁴ Pa. RPC 1.4(b); Pa. RPC 3.3(a)(1); Pa. RPC 4.1(a); Pa. RPC 8.4(c); and Pa. RPC 8.4(d).

In mitigation, the ODC and respondent submitted that respondent had accepted full responsibility for his misconduct, cooperated with the ODC, and entered into the Joint Petition. In further mitigation, the parties noted that he had no disciplinary history, did not receive undue pecuniary gain to the detriment of his client, and had apologized to Regan for his wrongdoing. Moreover, the parties noted that, ultimately, Regan retained counsel and his matter was decided on the merits, albeit not in his favor.

On May 15, 2023, the Supreme Court of Pennsylvania suspended respondent, on consent, for one year for his admitted unethical conduct.

On June 26, 2023, respondent reported his Pennsylvania discipline to the OAE, as R. 1:20-14(a)(1) requires.

The Parties' Submissions to the Board

In its written submission to us and during oral argument, the OAE asserted that respondent's unethical conduct in Pennsylvania constituted violations of

⁴ New Jersey does not have an equivalent RPC to Pennsylvania's RPC 1.4(a)(1). Therefore, that violation was not considered for reciprocal discipline in the instant matter. In addition, Pennsylvania RPC 1.4(a)(3) is the equivalent to New Jersey RPC 1.4(b). The remaining Pennsylvania RPCs listed equate to the identical RPC in New Jersey.

RPC 1.1(a); RPC 1.2(a); RPC 1.3; RPC 1.4(b); RPC 1.4(c); RPC 3.3(a)(1); RPC 4.1(a)(1); RPC 8.4(c); and RPC 8.4(d).

Specifically, the OAE argued that respondent violated RPC 1.1(a) by failing to (1) file opposition to Temple's summary judgment motion which, the OAE alleged, resulted in Regan's case being dismissed; (2) obtain the transcripts from Regan's unemployment hearing; (3) keep Regan reasonably informed of the status of the case; and (4) promptly reply to Regan's reasonable requests for information.

Additionally, the OAE asserted that respondent violated RPC 1.2(a) by failing to file opposition to Temple's summary judgment motion and by filing the Stipulation without Regan's knowledge or consent.

Next, the OAE alleged that respondent violated RPC 1.3 by failing to request additional discovery; failing to file an opposition to the motion for summary judgment; and failing to inform Regan of the Stipulation and resulting dismissal of the lawsuit.

Regarding respondent's violation of RPC 1.4(b), the OAE argued that he violated this Rule by failing to inform Regan about the Stipulation and the dismissal of the case, and by failing to promptly reply to Regan's repeated inquiries and requests for information. The OAE alleged that respondent violated RPC 1.4(c) by failing to advise Regan of the factors to consider in

making an informed decision regarding the selection of counsel or that he had the right to select the counsel of his choosing.

The OAE asserted that respondent's unilateral action in executing and filing the Stipulation, which misrepresented to both the court and opposing counsel that he had Regan's authorization to stipulate to the dismissal of the case, were clear violations of RPC 3.3(a)(1) and RPC 4.1(a)(1).

Moreover, the OAE argued that respondent violated RPC 8.4(c), not only by filing the Stipulation that misrepresented that he had his client's authority to do so, but also through his subsequent efforts to conceal his misconduct from Regan. Specifically, during their March 4, 2021 conversation, respondent omitted the fact that he had filed the Stipulation two days prior and, on multiple subsequent occasions, falsely claimed to Regan that the court had extended the filing deadline for the opposition to the motion for summary judgment.

Finally, the OAE asserted that respondent violated RPC 8.4(d) by filing the Stipulation without Regan's consent, which prejudiced the administration of justice. Further, Regan was forced to retain new counsel in an effort to reopen the case, thereby causing an unnecessary delay in the proceedings.

With respect to the appropriate quantum of discipline, the OAE urged that New Jersey disciplinary precedent warranted less severe discipline than the one-

year suspension imposed in Pennsylvania. Specifically, the OAE argued that respondent's misconduct warrants the imposition of a three-month suspension.

In support of its recommendation for a three-month suspension, the OAE analogized respondent's misconduct to that of the attorneys in In the Matter of Peter M. Halden, DRB 19-382 (February 24, 2020), In re Castiglia, 220 N.J. 582 (2015), and In re Smith, 228 N.J. 22 (2016), who, as detailed below, received discipline ranging from an admonition to a three-month suspension for settling client matters without the client's consent.⁵

The OAE asserted, however, that respondent's misconduct was more serious than that of the attorneys in Halden and Castiglia, who were admonished and reprimanded, respectively, emphasizing respondent's subsequent efforts to conceal his misconduct from Regan. Further, respondent committed other serious misconduct, including his misrepresentations to the court and opposing counsel, and his prolonged failure to communicate – honestly – with his client. Thus, the OAE asserted that discipline greater than a reprimand was warranted.

In mitigation, the OAE noted that respondent cooperated with the Pennsylvania disciplinary authorities and admitted his wrongdoing. Further, the OAE emphasized his lack of prior discipline and that he had reported his misconduct to the OAE.

⁵ The remainder of the cases cited by the OAE are in accord.

Respondent waived oral argument and indicated, on his oral argument form, that he agreed with the OAE's recommended quantum of discipline. He did not submit a brief for our consideration.

Analysis and Discipline

Following our review of the record, we determine to grant the OAE's motion for reciprocal discipline and to recommend the imposition of discipline for some, but not all, of the Rules of Professional Conduct charged by the OAE.

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 Pennsylvania, the standard of proof in attorney disciplinary proceedings is that the "[e]vidence is sufficient to prove unprofessional conduct if a preponderance of the evidence establishes the conduct and the proof . . . is clear and satisfactory." Office of Disciplinary Counsel v. Kissel, 442 A.2d 217, 219 (Pa. 1982) (quoting In re Berlant, 328 A.2d 471 (Pa. 1974)). Moreover,

“[t]he conduct may be proven solely by circumstantial evidence.” Office of Disciplinary Counsel v. Grigsby, 425 A.2d 730, 732 (Pa. 1981) (citations omitted). Here, in the Joint Petition in support of discipline, respondent admitted to the material facts and misconduct that formed the bases for that disciplinary action.

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.

We conclude that subsection (E) applies in this matter because the unethical conduct established by the record warrants substantially different

discipline under New Jersey precedent. Specifically, in our view, pursuant to applicable New Jersey disciplinary precedent, respondent's misconduct warrants the imposition of a censure.

Violations of the Rules of Professional Conduct

Turning to the application of New Jersey's Rules of Professional Conduct in the context of a motion for reciprocal discipline, the Court's review "involves 'a limited inquiry, substantially derived from and reliant on the foreign jurisdiction's disciplinary proceedings.'" In re Barrett, 238 N.J. 517, 522 (2019) (quoting In re Sigman, 220 N.J. 141, 153 (2014)). However, we previously have noted that the OAE's motion and supporting brief serve as the charging documents in a motion for reciprocal discipline. See In the Matter of Edan E. Pinkas, DRB 22-001 (June 23, 2022) at 29, so ordered, 253 N.J. 227 (2023). Nevertheless, clear and convincing evidence must support each of our findings that respondent violated the New Jersey Rules. See Barrett, 238 N.J. at 521; In re Pena, 164 N.J. 222 (2000).

Consistent with that body of law, we have, on occasion, declined to find RPCs charged by the OAE in motions for reciprocal discipline. See In the Matter of Robert Captain Leite, DRB 22-164 (February 24, 2023) (granting the OAE's motion for reciprocal discipline but declining to find violations of RPC 1.2(d),

RPC 3.3(a)(1), RPC 8.4(a), RPC 8.4(b), and RPC 8.4(d), where the underlying facts did not support the charges), so ordered, 254 N.J. 275 (2023), and In the Matter of Richard C. Gordon, DRB 20-209 (April 1, 2021) at 19-20 (granting the OAE's motion for reciprocal discipline but declining to find a violation of RPC 8.4(d) where underlying facts did not support the charge), so ordered, 249 N.J. 15 (2021).

Here, we determine that the record contains clear and convincing evidence that respondent violated RPC 1.2(a); RPC 1.4(b); RPC 1.4(c); RPC 3.3(a)(1); RPC 4.1(a)(1); RPC 8.4(c); and RPC 8.4(d). However, we determine to dismiss the charges that respondent violated RPC 1.1(a) and RPC 1.3.

Specifically, respondent's actions in executing and filing the Stipulation, without Regan's knowledge or consent, unquestionably violated RPC 1.2(a), which states, in relevant part:

A lawyer shall abide by a client's decisions concerning the scope and objectives of representation . . . and as required by RPC 1.4 shall consult with the client about the means to pursue them A lawyer shall abide by a client's decision whether to settle a matter.

Rather than filing opposition to the pending motion for summary judgment, as his client expected him to do, respondent unilaterally determined to execute and file the Stipulation to dismiss his client's case. Moreover, respondent's failure to file a response to the summary judgment motion and his failure to obtain the

transcript of the unemployment hearing, in direct opposition to Regan's objectives, further supports our finding that he violated RPC 1.2(a).

Next, the record amply supports the finding that respondent violated RPC 1.4(b), which requires a lawyer to keep a client "reasonably informed about the status of a matter and promptly comply with reasonable requests for information," and RPC 1.4(c), which requires that attorneys "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." Specifically, although respondent asserted that he had discussed his concerns regarding the weaknesses of the case with Regan, his failure to discuss the Stipulation with him and to inform him of the dismissal of his case clearly violated both Rules. Furthermore, for six months after the dismissal of the case, he became increasingly unresponsive to Regan's requests for information as Regan continued to press him for updates on the case, contrary to RPC 1.4(b).

RPC 3.3(a)(1) prohibits an attorney from knowingly making a false statement of material fact or law to a tribunal. Similarly, RPC 4.1(a)(1) prohibits a lawyer, in representing a client, from knowingly making a false statement of material fact or law to a third person. Here, without Regan's knowledge or consent, respondent signed and filed with the court a Stipulation that misrepresented to the court and opposing counsel that he had Regan's

authorization to stipulate to the dismissal when, in fact, he did not. By so doing, he violated both RPC 3.3(a)(1) and RPC 4.1(a)(1).

In similar vein, RPC 8.4(c) prohibits an attorney from engaging “in conduct involving dishonesty, fraud, deceit[,] or misrepresentation.” It is well-settled that a violation of RPC 8.4(c) requires intent. See In the Matter of Ty Hyderally, DRB 11-016 (July 12, 2011). Here, as the OAE alleged, respondent violated this Rule by misrepresenting to the court and to opposing counsel, via the Stipulation, that Regan had authorized its execution and filing when, in fact, Regan was wholly unaware of respondent’s action in this respect. Respondent further violated this Rule by failing to inform Regan that he had filed the Stipulation and that his case had been dismissed and, for six months thereafter, deliberately making false statements to Regan to intentionally mislead him. Indeed, on at least four occasions, he falsely stated to Regan that the court had extended the filing deadline for opposition to the summary judgment motion.

Moreover, respondent’s misrepresentations to the court, via the Stipulation he filed without his client’s knowledge and consent, were clearly prejudicial to the administration of justice, in violation of RPC 8.4(d). As a result of his misconduct, Regan was forced to retain new counsel to file a motion to vacate the dismissal, thereby causing an unnecessary delay in the court proceeding.

By contrast, however, we determine to dismiss the charges that respondent violated RPC 1.1(a) and RPC 1.3. Specifically, RPC 1.1(a) forbids lawyers from handling matters entrusted to them in a manner that constitutes gross neglect. This Rule was designed to address “deviations from professional standards which are so far below the common understanding of those standards as to leave no question of inadequacy.” In the Matter of Dorothy L. Wright, DRB 22-100 (November 7, 2022) at 17, so ordered, 254 N.J. 118 (2023). Further, RPC 1.3 requires lawyers to act with reasonable diligence and promptness in representing clients.

The OAE argued that respondent violated RPC 1.1(a) and RPC 1.3 by failing to file opposition to the motion for summary judgment, which the OAE alleged resulted in Regan’s case being dismissed; failing to obtain the transcripts from Regan’s unemployment hearing; failing to keep his client reasonably informed of the status of the case; and failing to reply promptly to Regan’s reasonable requests for information.

However, in our view, the record does not clearly and convincingly establish that respondent committed gross neglect or lacked diligence in handling Regan’s matter. First, respondent’s alleged failure to keep Regan informed of the status of the case; his failure to reply to Regan’s requests for information; and his failure to obtain the transcripts from the unemployment

hearing are more appropriately addressed by the charged violations of RPC 1.2(a) and RPC 1.4(b), discussed above.

Next, the court dismissed Regan's case as a direct result of respondent's unilateral executing and filing of the Stipulation, not because of his failure to file opposition to the motion for summary judgment. In fact, respondent asserted that he executed the Stipulation to dismiss the matter, albeit without Regan's consent, as soon as it became clear to him that Regan would be subject to a statutory counsel fee award in the event the court granted Temple's motion. Considering that the court subsequently granted Temple's motion and dismissed the case, we do not find that respondent grossly neglected Regan's matter or failed to act with diligence. Therefore, we determine to dismiss the charged violations of RPC 1.1(a) and RPC 1.3.

In sum, we find that respondent violated RPC 1.2(a); RPC 1.4(b); RPC 1.4(c); RPC 3.3(a)(1); RPC 4.1(a)(1); RPC 8.4(c); and RPC 8.4(d). We determine to dismiss, for lack of clear and convincing evidence, the charges that respondent violated RPC 1.1(a) and RPC 1.3. The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

Typically, attorneys who settle cases without their client's consent receive admonitions or reprimands, even when accompanied by less serious ethics infractions. See, e.g., In the Matter of Peter M. Halden, DRB 19-382 (admonition for an attorney who settled his client's dispute regarding his attempt to reduce his monthly alimony obligation; the client, however, expressly rejected the draft settlement consent order; despite the client's rejection, the attorney executed the consent order based on his belief that he was acting in his client's best interest; in mitigation, the attorney had no prior discipline and refunded his entire fee in recognition of his client's dissatisfaction with the representation); Castiglia, 220 N.J. 582 (reprimand for an attorney who settled a case without first consulting his client or obtaining consent; in mitigation, the attorney had difficulty contacting his client and was under pressure to resolve the matter due to the judge's preliminary ruling in favor of the opposing party's summary judgment motion; the attorney waived his legal fee, and the conduct ultimately benefitted his client); Smith, 228 N.J. 22 (three-month suspension for an attorney who settled a matter without his client's knowledge or consent and in opposition of his client's specific direction; the attorney also lacked diligence by allowing his client's case to proceed as a default due to an untimely filed answer and the failure to reply to a discovery request leading to a motion to

strike his client's answer; the attorney failed to keep his client informed of the status of their matter; in an effort to conceal his misconduct, the attorney made various misrepresentations, including fabricating a court order to mislead his client).

Standing alone, misrepresentations to clients require the imposition of a reprimand. In re Kasdan, 115 N.J. 472, 488 (1989). A reprimand still may be imposed even if the misrepresentation is accompanied by other, non-serious ethics infractions, including a failure to communicate. See In re Rudnick, __ N.J. __ (2022), 2022 N.J. LEXIS 258 (reprimand for an attorney who allowed his client's lawsuit to be dismissed for his failure to respond to interrogatories; thereafter, the attorney failed to attempt to reinstate his client's matter; the attorney also failed to reply to his client's inquiries regarding the case and misrepresented to his client that the entire case had been dismissed for reasons other than the attorney's failure to respond to interrogatories; the attorney's misconduct occurred during a one-year timeframe; in mitigation, the attorney had no prior discipline, accepted responsibility for his misconduct, and fully refunded the client's fee, on his own accord), and In re Dwyer, 223 N.J. 240 (2015) (reprimand for an attorney made a misrepresentation by silence to his client, failing to inform her, despite ample opportunity to do so, that her complaint had been dismissed, a violation of RPC 8.4(c); the complaint was

dismissed because the attorney had failed to serve interrogatory answers and ignored court orders compelling service of the answers, violations of RPC 1.1(a), RPC 1.3, and RPC 3.2 (failing to expedite litigation); the attorney also violated RPC 1.4(b) by his complete failure to reply to his client's requests for information or to otherwise communicate with her; the attorney never informed his client that a motion to compel discovery had been filed, that the court had entered an order granting the motion, or that the court had dismissed her complaint for failure to serve the interrogatory answers and to comply with the court's order, violations of RPC 1.4(c)).

The discipline imposed on attorneys who make misrepresentations to a court or exhibit a lack of candor to a tribunal, or both, ranges from a reprimand to a term of suspension, including if their conduct is prejudicial to the administration of justice. *See, e.g., In re Marraccini*, 221 N.J. 487 (2015) (reprimand for attorney who attached to approximately fifty eviction complaints, filed on behalf of a property management company, verifications that had been pre-signed by the manager, who had since died; the attorney was unaware that the manager had died and, upon learning that information, withdrew all complaints; violations of RPC 3.3(a)(1); RPC 8.4(c); and RPC 8.4(d); in mitigation, the attorney's actions were motivated by a misguided attempt at efficiency, rather than by dishonesty or personal gain); *In re Bakhos*, 239 N.J.

526 (2019) (censure for attorney who, in one of three client matters, violated RPC 3.3(a)(1) and RPC 3.3(a)(5) (failing to disclose to the tribunal a material fact knowing that the omission is reasonably certain to mislead the tribunal) by misrepresenting to the court that he had authority from his client to resolve the litigation by dismissing it and submitting the matter to binding arbitration, and by failing to notify the court and his adversaries that he did not have such authority; these false statements to the court, along with his misrepresentations to his supervising attorney, also violated RPC 8.4(c); the attorney's misrepresentation to the court resulted in the cancellation of a scheduled jury trial and dismissal of a medical malpractice case in favor of binding arbitration and, thus, constituted a violation of RPC 8.4(d); in another client matter, the attorney falsely represented to the court that he was still working with his client on finalizing his client's discovery responses, even though he had not even made his client aware of the pending requests, in violation of RPC 3.3(a)(1) and RPC 8.4(c); further, he wasted judicial resources, in violation of RPC 8.4(d), by his failure to comply with discovery, even in the face of court orders that he do so, resulting in the striking of his client's answer and the entry of default against his client, along with the subsequent motions to vacate that default; the attorney also exhibited gross neglect; a pattern of neglect; lack of diligence; and failed to communicate with the client in three matters; in mitigation, once the

attorney's house of cards crumbled, he acknowledged his wrongdoing, worked toward alleviating any damage to his clients, including certifying to the court his improprieties, and fully cooperated with disciplinary authorities; he also sought treatment to better handle anxiety, was confident that he would not repeat his misconduct, and had no prior discipline); In re Stuart, 192 N.J. 441 (2007) (three-month suspension for an assistant district attorney in New York who, during the prosecution of a homicide case, misrepresented to the court that he did not know the whereabouts of a witness; however, the attorney had made contact with the witness four days earlier; violations of RPC 8.4(c) and (d); compelling mitigation justified only a three-month suspension).

Standing alone, respondent's brazen misrepresentations to his client require the imposition of at least a reprimand. However, when considering respondent's other serious misrepresentations to a court and opposing counsel, we conclude that a greater quantum of discipline is warranted.

In our view, respondent's misconduct is akin to that of the censured attorney in Bakhos, who made false representations to a court in connection with two client matters. Specifically, in one client matter, Bakhos represented that he had authority from his client to dismiss pending litigation and failed to notify the court and his adversaries that he did not have such authority. In a second client matter, Bakhos falsely represented to the court that he was still working

with his client on finalizing his client's discovery responses, even though he had not even made his client aware of the pending request.

In assessing the baseline discipline for Bakhos' misconduct, we found that his misconduct was similar to that of attorneys who received censures including, In re Hummel, 204 N.J. 32 (2010), In re Monahan, 201 N.J. 2 (2010) and In re Clayman, 186 N.J. 73 (2006).⁶ However, we found that Bakhos also had committed gross neglect, lacked diligence, and failed to communicate across multiple client matters and, thus, established a pattern of neglect that resulted in a default judgment against one client and monetary sanctions against another, which, in our view, could justify enhancing the quantum of discipline from a censure to a three-month suspension.

⁶ In re Hummel, 204 N.J. 32 (2010) (censure in a default matter for gross neglect, lack of diligence, failure to communicate with the client, and misrepresentation in a motion filed with the court, in violation of RPC 3.3(a); the attorney had no prior discipline); In re Monahan, 201 N.J. 2 (2010) (the attorney was censured for submitting two certifications to a federal district court in support of a motion to extend the time within which to file an appeal; the attorney misrepresented that, when the appeal was due to be filed, he was seriously ill and confined to his home on bed rest and, therefore, was unable to work or to prepare and file the appeal, a violation of RPC 3.3(a)(1); the attorney also practiced law while ineligible); In re Clayman, 186 N.J. 73 (2006) (censure imposed on attorney who misrepresented the financial condition of a bankruptcy client in filings with the bankruptcy court to conceal information detrimental to the client's Chapter 13 bankruptcy petition; in mitigation, we observed that, although the attorney had made a number of misrepresentations in the petition, he was one of the first attorneys to be reported for his misconduct by a new Chapter 13 trustee who had elected to enforce the strict requirement of the bankruptcy rules, rather than permit what had been the "common practice" of bankruptcy attorneys under the previous trustee; violations of RPC 3.3(a)(1), (2), and (5); RPC 4.1(a)(1) and (2); and RPC 8.4(c) and (d); in mitigation, the attorney had an unblemished disciplinary record, was not motivated by personal gain, and did not act out of venality).

In mitigation, we considered that Bakhos had acknowledged his wrongdoing; worked toward alleviating any damage to his clients; fully cooperated with disciplinary authorities; was unlikely to repeat his misconduct; and had no prior discipline. We concluded that the compelling mitigation offset any possible enhancement required by the attorney's pattern of neglect and, thus, determined that a censure was the appropriate quantum of discipline for the totality of Bakhos' misconduct.

Here, respondent lacked the pattern of neglect found in Bakhos, which served as the basis for our considered enhancement of the discipline from a censure to a three-month suspension. Accordingly, based on Bakhos, respondent's misconduct could be met with a censure.

We also consider, however, that respondent acted without Regan's consent when he executed the Stipulation to dismiss the matter, misconduct akin to that of the attorneys in Halden, Castiglia, and Smith. Like the attorney in Halden, who received an admonition, respondent asserted he was acting in Regan's best interest by dismissing the matter to limit Regan's potential exposure to a counsel fee award. Similarly, like the attorney in Castiglia, who received a reprimand, respondent asserted he was acting under pressure to avoid an unfavorable ruling in a motion for summary judgment. However, unlike the attorney in Castiglia, whose discipline was enhanced to a reprimand because of

prior discipline, this matter represents respondent's first disciplinary matter in his fourteen years at the New Jersey bar. Unlike the attorney in Smith, however, who received a three-month suspension, respondent did not fabricate any documents to conceal his misconduct. Moreover, unlike Smith, respondent did not allow Regan's matter to proceed as a default, and the court did not dismiss the case as a direct result of respondent's lack of diligence in representing Regan.

Based on the foregoing disciplinary precedent, we determine that the totality of respondent's misconduct warrants at least a censure. To craft the appropriate discipline in this case, however, we also consider aggravating and mitigating factors.

In aggravation, respondent's misconduct resulted in the dismissal of his client's lawsuit. Although the client reinstated his case and, ultimately, was unsuccessful in defending against the summary judgment motion, he nevertheless was forced to hire new counsel, pursuant to a different fee arrangement. It is well-settled that harm to the client constitutes an aggravating factor. In the Matter of Brian Le Bon Calpin, DRB 13-152 (Oct. 23, 2013), so ordered 217 N.J. 617 (2014).

In mitigation, respondent has no prior discipline in his twelve years at the bar. He also cooperated with the Pennsylvania disciplinary authorities and

admitted his wrongdoing. In further mitigation, he expressed contrition and remorse.

Conclusion

On balance, we find that the aggravating and mitigating factors are in equipoise. Accordingly, we determine to grant the motion for reciprocal discipline and conclude that a censure is the appropriate quantum of discipline.

Member Campelo was absent.

Member Spencer did not participate.

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 Jonathan W. Chase
Docket No. DRB 24-232

Argued: January 16, 2025

Decided: March 28, 2025

Disposition: Censure

<i>Members</i>	Censure	Absent	Did Not Participate
Cuff	X		
Boyer	X		
Campelo		X	
Hoberman	X		
Menaker	X		
Modu	X		
Petrou	X		
Rodriguez	X		
Spencer			X
Total:	7	1	1

/s/ Timothy M. Ellis

Timothy M. Ellis
Chief Counsel